

1 one paragraph that I neglected to get into it in my haste
2 to prepare it.

3 Thank you.

4 HEARING OFFICER GEARY: Thank you for
5 your comments. All right, we're going to take a 10
6 minute break. I want to remind everyone that the public
7 comment tonight is only one of many ways in which to get
8 your comments into the record. Written comments can be
9 submitted in lieu of oral. Right now we're at number 29
10 with 49 folks signed up. So for those of you who wish,
11 you may want to just submit your comments in writing to
12 me and I'll enter them into the record. We're going to
13 go off record for 10 minutes.

14 (Off record)

15 (On record)

16 HEARING OFFICER GEARY: All right, I'm
17 going to call this hearing back to order.

18 The next speaker we have signed up is Dae
19 Miles, number 29.

00247

20 MR. MILES: My name is Dae Miles, first
21 name is spelled D-A-E. I'm speaking as a 27 year
22 resident and as a candidate for U.S. Congress on the
23 Democratic ballot on the August 27th primary.

24 The energy crises was the setting for the
25 original 30 year lease and we got bad terms. Now, we

247-1

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1 have a chance to do it right. I am against the 30 year
2 renewal lease because we get so little royalties. I'm
3 also against the renewal of the lease because of the
4 Exxon Valdez spill is still unpaid. Because the
5 decommissioning fund is missing. Because of the high
6 tariffs charged by the operators to squeeze out
7 competitors. Because of the selling off of spill
8 equipment. Because of the billions in unpaid royalties.
9 Because of the maintenance cuts. Because of the natural
10 gas liquids that go down the pipeline that are more
11 valuable aren't paid for. Because of the wasted natural
12 gas that's burned off in Prudhoe Bay.

247-1
(Cont.)

13 We can run the pipeline ourselves and we
14 can hire Alaskans to actually operate it. In conjunction
15 with this, we can build our own natural gas pipeline for
16 Alaska's use and with building a railroad through Canada
17 we can efficiently market the gas. The full royalties
18 from the oil and gas can provide for our schools and
19 services. And we could be an example for other states to
20 properly manage their own resources.

247-2

21 And increasing the Permanent Fund
22 Dividend means a direct benefit to the citizens and then
23 their direct concern for the proper management of our
24 resources. And the effect of the Permanent Fund
25 investments themselves helps direct the economy towards

247-3

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1 conservation and alternative energy.

2 I worked in Prudhoe Bay in 1988 on an oil
3 spill on some gathering lines. They didn't seem to know
4 what to do. First they gave us snow shovels and said dig
5 up the line. We dig out some snow and it would blow right
6 back in and you look across the horizon and it goes
7 forever. They didn't have any kind of a plan. I said,
8 why don't you stick a pole down and pull it up and see if
9 there's oil on the end and map it out first. Okay, we'll
10 get some poles. So they got that going. And then they
11 started adding more and more crews and then they were
12 starting to lose track of the tools. A crew would go out
13 and there'd be no snow shovels, the first crew had all
14 got them. I said, well, you need a tool man, somebody to
15 coordinate the different crews and they said, okay, you
16 be it. I got the feeling like they wouldn't know what to
17 do if I wasn't there. But then before they had put
18 temporary patches on these holes in this crude oil line,
19 they flushed the line with produced water and this just
20 sprayed out and made the spill a hundred times worse.

247-4

21 The mismanagement of this spill and the
22 Exxon Valdez spill and the recent bullet hole shows that
23 they are not planning but they are just reacting. We
24 deserve much better than this. We should run the
25 pipeline ourselves or we should include full

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1 environmental protections and the full royalties to the
2 people of Alaska. We should do this for ourselves and to
3 be an example for other states and for the country.

247-5
(Cont.)

4 Thank you.

5 HEARING OFFICER GEARY: Thank you for
6 your comments. Niilo Koponen, number 30.

00248

7 MR. KOPONEN: Yeah, my name is Niilo
8 Koponen. Niilo Koponen. My wife and I came up to
9 homestead a little over 50 years ago. I worked first as
10 an electrician on the gold dredges and then eventually
11 surveying, I taught in college and public schools and I
12 was an investigator for employment on the pipeline
13 construction period which gave me an interesting insight
14 on things I can't even talk about now days and eventually
15 spent 10 years in the legislature retiring in 1992 to
16 care for my wife who had been injured in an automobile
17 accident. So I'm speaking only on behalf of myself, my
18 own comments in watching it.

19 The pipeline was actually the first
20 pipeline to be built under such extreme conditions,
21 seismic activity, extremes of temperature, summer and
22 winter and expansion. I remember the days of the
23 consortium when they were trying to persuade the citizens
24 of Alaska it was a great idea. I remember one pipeline
25 engineer, designer, from somewhere, a southwester company

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1 discussing with the high school principals and somebody
2 asked him, how do you intend to deal with permafrost and
3 he said, permafrost, what's that so when it was
4 explained, you know, frozen earth, he said, oh, no
5 problem at all. I do not believe he ended up in the
6 final design team at all because certainly the technology
7 that was and the technical answers they came up with were
8 excellent. But one of the problems is, of course, is
9 that it was designed for the expected life of about 30
10 years for the life of Prudhoe and other things.

248-1
(Cont.)

11 Obviously with the developments in Naval
12 Petroleum Reserve No. 4 and other places there is going
13 to be a continued need for a pipeline.

248-2

14 So there's lots of good arguments,
15 economic and political that the complex ownership by a
16 limited number of producers of the pipeline permits
17 playing games with tariffs versus royalties and others
18 and also it helps keep out other, the rift-raft that is
19 to say other oil companies that might want to get in on
20 it. And it also does place a stress on making the
21 pipeline, the transportation itself profitable.

248-3

22 Well, it seems rather reasonable that
23 transportation is one of these infrastructural things
24 that is necessary in any economy, in any society and that
25 the role of the pipeline, especially if we're going to

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1 keep it going is going to have to be done by a
2 responsible single owner agency and I have to say that
3 Bill Egan, the first elected Governor of Alaska was right
4 when he recommended that the State finance and build the
5 pipeline, people scoffed at him but I think a lot of the
6 problems could have been avoided.

248-4
(Cont.)

7 One of the problems is, of course, in the
8 design itself. It's always said that in any system, in
9 engineering, you have to build in redundancy, in other
10 words, additional strength. For instance, you make the
11 steel 20 percent stronger than conditions -- normal
12 conditions because there are going to be abnormal
13 conditions. You have to build in the ability to respond
14 quickly to emergencies and as a former volunteer and an
15 emergency medical tech, I have to say that's really been
16 one of the failures of the oil transportation system. It
17 took 36 hours to bring the equipment up to deal with the
18 hole in the pipeline in Livengood, the time that it took
19 to launch the barge and other equipment down in Valdez at
20 the time of the Exxon Valdez disaster and the like, those
21 unacceptably slow responses to disaster situations.

248-5

22 The same thing applies for a necessary
23 continuity, the necessary maintenance of the
24 transportation facility as it is. And that the pipeline
25 can be self-supporting and actually more economic if

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1 there were not -- if the oil company profits were made
2 strictly from the production and sale of oil and not the
3 side deals of the pipeline itself for a profit. And I'm
4 afraid we're coming to the time that the pipeline is
5 going to have to be repaired, renewed precisely because
6 other oil findings are being made.

248-6
(Cont.)

7 And so I would differ with most of the
8 recommendations made that I heard tonight except that I
9 do agree with most of the recommendations made by the
10 Alaska Forum for Environmental Responsibility. I would
11 expand them a little bit. The citizen's oversight board
12 should have members of Alaska scientific and engineering
13 community, residents of local communities, especially
14 Alaska Natives and pipeline workers as well. Many of my
15 friends have worked on the pipeline or for -- including
16 Alyeska directly and it always pays to pay attention to
17 what the folks at the job front are saying rather than to
18 expect the light to come down above through the
19 bureaucratic channels, whether it's government or
20 corporate. So I think that that's a very good one.

248-7

21 And I might note that the University of
22 Alaska, here, is in the forefront of global weather
23 change research and has the engineering recommendations
24 that were made on, for instance, highway design and
25 dealing with thawing ground. The information is here.

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1 It just has to be used, it has to be integrated into the
2 system itself. And granted the corporations can do it,
3 but the question is will they since there are, at this
4 point, it seems to me trimming down the staff. You're
5 having fewer people working in the pump stations and in
6 maintenance and repair with the pipeline. This is not
7 the way that it sort of counters the trend, the pipe
8 itself is getting thinner, there are more and more
9 incidents with stuck pigs. I'm getting old, I have to
10 use a cane but I have to say that I think the pipeline is
11 getting to be the mechanical equivalent of aging, too,
12 and will need -- and I hope that the state doesn't
13 inherit a disaster because they're still going to be
14 stuck with the job at the end.

15 Thank you.

16 HEARING OFFICER GEARY: Thank you for
17 your comments. Phil Wildfang, number 31. 00249

18 MR. WILDFANG: Yes, I am Phil Wildfang.
19 I want to thank you for the opportunity to speak and in
20 the interest of time I'll keep my remarks short by saying
21 that I'm here tonight in support of the recommendations
22 made in the report prepared for the Alaska Forum for
23 Environmental Responsibility.

24 I'm concerned at the many critical and
25 substantive issues raised in that report were not

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(Cont.)

1 adequately addressed. Specifically, the grant lease
2 should provide for the establishment of a citizen's
3 oversight committee. It's just good business to create
4 public and private collaboration on a project of this
5 magnitude and duration.

6 The pipeline is a major economic artery
7 for both its owners and the citizens of Alaska and as
8 such should be managed with public input and oversight.
9 The pipeline is constructed on public lands, crosses
10 public waters and transports public resources. I don't
11 understand how, in good conscious, anyone could object to
12 citizen involvement in the oversight of this economically
13 and environmentally important project. Now, more than
14 ever in this age of corporate mistrust, the public needs
15 the assurances of a citizen's oversight group.

16 Periodic technology and environmental
17 reviews should be made mandatory as a condition for a
18 reauthorization. As the pipeline ages, unanticipated
19 problems are likely to develop and systematic checks and
20 additional maintenance resources are needed to ensure the
21 health and safety of the public and our natural
22 resources.

23 The operational lease should provide for
24 the escrow deposit of DR&R funds to assure sufficient
25 capital to properly return the land at the end of the

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249-2

249-3

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1 pipeline's effective life. Every effort should be made
2 to ensure that the public not be left holding the bill
3 for such a massive undertaking.

249-3
(Cont.)

4 Other recommendations for such provisions
5 as employee concern programs and independent field audits
6 would only strengthen the pipeline owners expressed
7 intent to operate in a safe and effective manner and
8 should be incorporated into the lease renewal.

249-4

9 As a private citizen reading the oil
10 companies annual and quarterly profit reports, I find the
11 owners objections to the costs of implementing the
12 recommendations in Pineberg's report ludicrous. I urge
13 you to address and mandate the implementation of those
14 recommendations.

249-5

15 Thank you.

16 HEARING OFFICER GEARY: Thank you for
17 your comments. Jerry Woods, number 32.

00250

18 MR. WOODS: Good evening. My name is
19 Jerry Woods. And like the person before me I'm going to
20 try to keep my comments and recommendations as brief and
21 short as possible.

22 I am employed by the Tanana Chiefs
23 Conference Employment and Training Department and thus
24 would like to indicate that the Tanana Chiefs Conference
25 will, in fact, submit a more concise written statement

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1 prior to the deadline date for the public comment period.
2 Working for the Tanana Chiefs Conference in their
3 employment and training department, my comments are going
4 to be centered around Section 29 of the EIS and I want to
5 do that by some examples of my past work history as well
6 as what I've been doing recently with our employment
7 department.

8 Back in the mid-'70s I, in fact, was
9 hired as the personnel safety officer trainee for Doyon
10 AIC, which was a joint venture. We had the maintenance
11 contract for sections one through four on the pipeline.
12 I was responsible for assisting in the employment of as
13 many Alaska Natives that we could possibly hire on that
14 project and we had at one point some 1,500 employees
15 working between sections one and four. Back, during that
16 time the initial stages of the construction of TAPS there
17 were some special provisions that were put in place in
18 order to meet the demands of the work force that was
19 needed to build the pipeline, one of those provisions was
20 centered around the hometown plan. The hometown plan
21 thus became the Alaska Plan, at which time there was a
22 group of people that were assessing an individual's level
23 of skills and based on that assessment, these people were
24 placed into the unions at various levels on the A through
25 D list and then were dispatched out for employment.

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1 Back during that period of time, Section
2 29 was not a burden, let's say, for Alyeska, basically
3 because we had practically every available worker in
4 Alaska employed on the pipeline. However, during the
5 '80s when there was less work on the pipeline we found a
6 lot of our people in rural Alaska and specifically in the
7 TCC region which represents some 43 member villages,
8 including a number of villages along the pipeline
9 corridor, those individuals seem to have got lost in the
10 shuffle and there was probably any in employment and in
11 fact, that's still the state today. We have a very high
12 unemployment rate out in rural Alaska in our villages and
13 that is slowly changing with the amount of work that has
14 been slated for the Interior.

15 And that brings me to the more recent
16 time frame in regard to what I do at the Tanana Chiefs
17 Conference, we work with -- I work with the 43 villages
18 in putting together a, what we call a tribal work force,
19 a tribal resume, village project, which we go back and we
20 identify what the skilled work force is in each village
21 and certify it and it's on a database that we have
22 through the Tanana Chiefs Employment and Training
23 Department so consequently we are working with
24 contractors and with major projects to ensure that we are
25 offering employment opportunities to our rural

250-1
(Cont.)

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1 constituents that have decided to live a subsistence
2 lifestyle.

3 Now, recently and for instance on October
4 5th, Friday, 2001, once there was a bullet hole in the
5 pipeline we had some of our villages along the corridor
6 that were offered employment opportunities for a number
7 of different reasons but in particular because they lived
8 in that particular area and they have a vested concern.
9 Well, part of the problem that we had was without, I
10 believe, TCC's assistance in this, we were on the phone
11 that Friday contacting people that resided in and that
12 were enrolled back to those particular villages and I'm
13 talking villages like Minto, Steven's Village, Rampart,
14 Allakaket, Alatna, Steven's Village, all of those that
15 have been part of Section 29 since 1974 when Section 29
16 actually was created. However, in the '80s because of
17 lack of employment that term, or Section 29, which
18 addresses the employment of Alaska Natives on the
19 pipeline and more recently referred to as the Alaska
20 Native Utilization Agreement, there have been some
21 serious concerns with regard to how Section 29 is being
22 implemented. An example is, once the oil was being
23 spilled there in Livengood we, through the Tanana Chiefs
24 were able to contact people and put together the response
25 oil spill teams and in fact, in one instance we knew that

250-1
(Cont.)

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1 Minto, for example, was able to get a response team
2 together, however, those individuals were not certified
3 and trained to do oil spill response as first responders.

4 And I just want to share with you that
5 experience as an example of what really needs to be done
6 looking at the impact of the EIS and some of the
7 suggestions that need to be taken to ensure that Section
8 29, in fact, is going to be followed, that there needs to
9 be some plans, like some of the comments made as far as
10 modification and renewal.

11 I think through modifying Section 29 of
12 that agreement and putting in special provisions that
13 were used, let's say, back in the '70s when the
14 construction was going on, looking at those types of
15 things would make it for a more effective Section 29
16 agreement. And I wanted to simply make that as a comment
17 to you.

18 And to reiterate again that we will, in
19 fact, be putting together a more concise statement on
20 that.

21 Thank you.

22 HEARING OFFICER GEARY: Thank you, Donald
23 Lowry, 33. 00251

24 MR. LOWRY: My name is Don Lowry. I'm a
25 field representative for the Operating Engineers, Local

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(Cont.)

250-2

1 302 and I'd like to thank you for the opportunity to
2 speak tonight in support of the 30 year Right of Way
3 renewal.

4 I represent the members of the Operating
5 Engineers that work on the pipeline, including equipment
6 coordinators, the mechanics, oilers, operators, surveyors
7 and people in supervisory positions. The pipeline has
8 provided thousands of good jobs over the last 25 years
9 for our members and other unions alike.

10 In 2001 the pipeline provided over
11 350,000 man hours for our members. Presently there are
12 over 150 Local 302 members working on the pipeline. The
13 pipeline provides good jobs for our Alaska Native members
14 as well. The major contractor Houston/NANA has 24
15 percent Alaska Native hire rate in our craft.

16 These are hardworking Alaskans that take
17 pride in the work and the part that they play in
18 transporting Alaska's North Slope oil in a safe and
19 environmentally sound manner. Alyeska and its
20 contractors invest considerable sums of time and money in
21 training each and every employee to ensure that all jobs
22 are done in a safe and environmentally friendly way.

23 There are crews up and down the pipeline
24 whose job it is to maintain the Right of Way and are on
25 call to respond to any emergency that may arise.

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1 The income earned by these workers helped
2 to support the economy of the communities in which they
3 live throughout the state.

251-3
(Cont.)

4 I have read the concerns about the
5 integrity of the pipeline. I, myself, worked as a
6 mechanic on the pipeline for 12 years with the baseline
7 crews and the dig crews and can assure you it is
8 thoroughly maintained. I have seen inspections, valve
9 replacements, installations of sleeves as well as the
10 replacement of installation on the pipe to a new and
11 improved product. I have also seen the installation of
12 mag bags to help prevent corrosion. Each year crews go
13 out to inspect the pipeline for movement and the
14 condition of the shoes and the saddles of the pipe that
15 it sits on. I have first-hand knowledge of the effort
16 that Alyeska has put into maintaining the pipeline and
17 the Right of Way. In my opinion, they have done an
18 exceptional job.

251-4

19 In closing, I'd like to say once again I
20 strongly support a 30 year renewal of the Right of Way
21 lease.

251-5

00252

22 Thank you.

23 HEARING OFFICER GEARY: Thank you for
24 your comments. Dave Lacey, number 34.

25 MR. LACEY: Yes, my name's Dave Lacey and

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1 I'm speaking for myself tonight.

2 I participated in the scoping hearings
3 last fall and even though I haven't had a chance to look
4 at the whole document, which is the reason why I would
5 have preferred the comment period extended, it appears
6 that most of the scoping comments that I made were
7 ignored by the DEIS so therefore I'm disappointed in it
8 and not very happy with the product.

252-1

252-2

9 I think that the -- I'm not going to say
10 anything that probably hasn't already been said tonight.
11 I think it just makes good business sense for everyone
12 that the pipeline is maintained properly. It makes good
13 sense for the companies involved. It also makes good
14 sense for the environment here, protecting the rivers and
15 the areas that the pipeline crosses over. It also makes
16 good sense here for the workers here to, you know, that
17 need the work, that work to maintain the pipeline.
18 That's a critical thing is the maintenance is cut and
19 that translates directly into basically cuts out of our
20 community, people being laid off, workers here that could
21 that are needed out there working to maintain the
22 pipeline.

252-3

23 So I think for a lot of reasons that the
24 maintenance of the pipeline and the fact that the funding
25 needs to be there to maintain the pipeline and all is of

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1 critical importance for everyone and it just makes good
2 business sense. It's the whole thing, like you see that
3 commercial where the guy says, pay me now or pay me
4 later. Prevention is the key as Stan Stephens said
5 earlier. If we don't pay the price now we're going to
6 pay a much higher price later and we saw that in Valdez
7 with the Exxon Valdez incident.

8 You know, complacency always sets in,
9 it's just a human nature for that to happen, we have to
10 be vigilant. We have to -- we've seen it with the
11 corporations here recently, we have to maintain oversight
12 on things.

13 And we also, it's a very tricky world,
14 with the climate change and other economic factors going
15 on, we need to take a very conservative approach just
16 like Niilo was saying about you design something with 20
17 percent that would be stronger than the recommendations,
18 well, we need that same type of conservative approach to
19 managing this pipeline, whereby we conservatively say,
20 okay, this is maybe greater than what is needed but we
21 want to be extra careful because of all the different
22 things that are going on and the unpredictableness of the
23 world, not only environmentally but politically.

24 The little bit that I have had a chance
25 to look at the document, like I said I'm disappointed in.

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252-3
(Cont.)

1 I feel that there's just a lot of errors and things in
2 it, you know. I see things here, statements made that
3 Steven's Village is a Gwich'in village and the use area is
4 a very small use area. And I see these other statements
5 here, like in this impacts of increased human access
6 where they say, consequently the impacts have increased
7 access to fish populations are expected to be minor, you
8 know, since when does like increased access, you know,
9 not translate into impacts on fish populations.

252-4

252-5

10 Here's another thing on this section
11 dealing with mortality, Section 4.3.1.7.3, the statement
12 it says, there's no evidence demonstrating whether
13 increased access associated with the TAPS Right of Way
14 has had an affect on wildlife populations. Well, I've
15 been around and been in the villages around the -- you
16 know, impacted by the pipeline corridor, I've heard
17 people time and time again tell me that there have been
18 these impacts and continue to be impacted. Now, are they
19 just sort of talking to hear their -- as my mom would
20 say, their head rattle or what's going on there, or are
21 they being ignored or is the fact that some scientist
22 didn't say it, you know, means that it's not true. Where
23 is the use of traditional knowledge involved in this?
24 Why isn't that taken into account?

252-6

25 And also issues like access to

252-7

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1 subsistence resources. You know, a lot of people were
2 crowded out, you know, local people. A lot of the
3 outsiders that came in to hunt and fish, basically their
4 tactics were crude if you want to put it that way and the
5 local people didn't want to be around them and all, which
6 in a sense pushes them out.

252-7
(Cont.)

7 I would like also the DEIS to take into
8 account not only the DR&R things, about cleaning up when
9 the pipeline is through but also what is going to be the
10 effect here in Alaska when the pipeline, when the boom is
11 over, the a lot of workers and people have to leave,
12 what's going to happen there?

252-8

13 Also I don't see anything mentioned about
14 Section 30 in the document. Maybe I haven't seen it yet,
15 like I said. But I know that was brought up in the
16 scoping hearings, human rights is not mentioned anywhere
17 that I've seen, that term, in the document. Where else
18 in the world would you have such a big project and with
19 not human rights being involved in it?

252-9

20 So basically it seems to say, too, the
21 document seems also to discount the Dalton Highway. Say
22 well, it's a State road now so therefore it's not
23 impacted and all the impacts have happened in there
24 continue to happen so there's not going to be any change
25 so what's the big deal? I don't feel -- I think that's a

252-10

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1 Catch-22 thing. I think that the Dalton Highway needs to
2 be in it, it's a direct impact and it needs to be dealt
3 with in the DEIS, direct and indirect impact.

4 So those are some of my issues. I'm
5 going to send in some written comments but for now that's
6 it.

7 Thank you.

8 HEARING OFFICER GEARY: Thank you for
9 your comments. Jeff Cook -- I'm sorry, I'm sorry, Steve
10 Jones. Steve Jones, number 35. 00253

11 MR. JONES: Good evening. My name is
12 Steve Jones. I'm the manager of the Trans-Alaska
13 Pipeline System Right of Way Renewal Project. I spoke in
14 Anchorage last night on behalf of the TAPS owners. I'm
15 not going to repeat the remarks that I made last night,
16 of course, but I would like to highlight and expand on a
17 few of them.

18 Public hearings are a time for everyone
19 with an interest to come forward and provide their
20 comments and views and in cases like this one, those
21 comments will invariably cover a wide range of opinion,
22 both pro and con like I've heard here tonight and that's
23 fitting and appropriate.

24 Much of what we've heard in the last 10
25 days or so has been fair and intended to inform, some

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12B

1 hasn't. And that's why I want to take the opportunity to
2 reinforce the notion that the people who work on TAPS,
3 the thousands of employees, contractors, oversight agency
4 employees, public officials, union members, Alaska
5 Natives who work on the pipeline perform their job with a
6 level of skill and dedication that deserves our
7 commendation and support. It is one of the reasons why
8 the Right of Way should be renewed.

9 This group of people work hard to do the
10 job right and they're succeeding.

11 Last night I spoke briefly about the
12 above ground support system. Much has been made of how
13 climate change may affect this unique system. The
14 concern is that climate change may destabilize the above
15 ground system if the climate warms and changes to
16 permafrost occur. Regardless of your position on climate
17 change it is important to keep in mind that the
18 conditions that they're concerned about are exactly the
19 conditions that the above ground system was designed to
20 deal with in the first place. That is, the dynamic
21 climate and potentially unstable ground conditions. The
22 support system that is designed and built is highly
23 versatile, it's adjustable and most importantly it works.
24 In 25 years, only a handful of the VSMs have gone out of
25 spec and though the safety and stability of the line has

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1 never been jeopardized by these VSMS they were,
2 nevertheless, replaced.

3 The important thing to note is that there
4 are 178,000 VSMS and about 20 have gone out of spec. We
5 are watching about another 200 of them. What those
6 numbers tell you though, 20 and 200 out of 178,000 is not
7 that the system is being neglected but rather it's a
8 rather strong indication that the system, in fact, works.

9 Another aspect of the above ground
10 system, an important piece of it are the heat pipes.
11 Most of you have seen the pipeline, of course, know the
12 heat pipes are the things that stick out the top of the
13 vertical support members with the radiator fins on top of
14 them. We've heard that these heat pipes are possibly
15 inadequately designed, that they're failing and that
16 they're not up to the task. Interestingly enough, a full
17 scale research facility here in Fairbanks has recently
18 determined that the original design of the heat pipes is
19 more than adequate to meet the goal of maintaining the
20 permafrost soils and not unlike the vertical support
21 members themselves, of the 124,000 or so heat pipes that
22 are involved in the above ground system, less than two
23 percent have ever required repair or replacement. Again,
24 this is not an indication of a problem, this is an
25 indication that the system works.

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(Cont.)

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1 We've heard again about an aging system,
2 budget cuts, implying neglect. Well, let me reiterate,
3 the pipeline is not deteriorating, it is being well
4 maintained and more than that it is being upgraded to the
5 tune, in fact, of \$9 billion in the last 15 year alone.
6 If the TAPS owners were interested in shorting the
7 maintenance needs of the pipeline they should have
8 started long ago.

253-2

9 I want to mention one more thing about
10 Native programs. We have a number of Native programs,
11 you've heard some of them discussed tonight, Section 29
12 Native hire. For one, we're proud of what we've
13 accomplished. We believe that the program that we have
14 today is a model program. We work with the Native
15 communities to create opportunity and ensure that Native
16 owned businesses have the chance to bid on and obtain
17 pipeline work. In fact, as I mentioned last night, some
18 \$170,000 million in work alone, last year was awarded to
19 and performed by Native owned business entities.

253-3

20 In conclusion, I'd tell you that maybe
21 that the law would say that we're entitled to renewal if
22 you do the analysis but I think more importantly if you
23 look at the record, TAPS has earned the right to a 30
24 year renewal.

253-4

25 Thank you.

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1 HEARING OFFICER GEARY: Thank you for
2 your comments. Now, Jeff Cook. 00254

3 MR. COOK: Thank you. And my comments
4 will basically relate to the Draft Environmental Impact
5 Statement.

6 My name is Jeff Cook and I'm vice
7 president of external affairs and administration for
8 Williams Alaska Petroleum and I've been associated
9 directly with the energy industry in Alaska for 12 years
10 and as a lifelong Alaskan, obviously, been indirectly
11 associated with that pretty much all my life. The
12 comments I make tonight will be basically paralleled by
13 our president of Williams Alaska and sent to you in
14 written form.

15 Through our wholly owned subsidiary
16 companies Williams owns a 220,000 barrel a day refinery
17 that processes crude oil off the TAPS line. The refinery
18 is the largest in Alaska and we are approximately two
19 miles from the Trans-Alaska Pipeline. As the refinery is
20 located in land it is totally dependent on TAPS for our
21 supply of crude oil and has been since its startup in
22 1977.

23 Williams employs over 500 people in the
24 state of Alaska and in 2001 we spent approximately 1
25 billion and the largest portion of our spending was about

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1 a third of that to the state of Alaska for royalty.

2 In addition to the North Pole refinery,
3 Williams, through its subsidiary companies owns the
4 following additional assets in Alaska. We have 29
5 company owned retail convenience outlets operated under
6 the name of Williams Express. We own and I got to get
7 this right, a 3.0845 percent interest in TAPS and I might
8 clarify that Williams never has nor do we now produce oil
9 on the North Slope. We have a 50 percent interest in a
10 cargo port at the Anchorage Airport. We have a 700,000
11 barrel terminal at the Port of Anchorage and another
12 20,000 barrel terminal located here at Fairbanks
13 International Airport.

14 Without the secure source of crude oil
15 that the North Pole refinery has enjoyed during the past
16 25 years it would not have been possible for us to
17 increase as a refinery from a capacity that had 45,000
18 barrels to one that now has over 220,000 barrels. And
19 the growth in that refinery has also allowed us to have
20 the growth in our retail operations in providing fuels to
21 Alaskans that is evidence to our 29 stores.

22 With the knowledge that the refinery
23 source of crude oil supply via TAPS was secure, Williams
24 invested approximately 71 million in 1997 and 1998 to
25 increase the refineries production of jet fuel by 20,000

254-1
(Cont.)

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1 barrels a day. This investment enabled our company to
2 meet the growing demand for jet fuel at the two key
3 international airports in Alaska, the Ted Stevens Airport
4 in Anchorage and Fairbanks International Airport and it
5 did decrease greatly the dependence this state had on
6 imported jet fuel and that's important, not only for the
7 economy but also for the security both from the private
8 sector as well as the military sector for the fuel that
9 we provide. And the two airports, Anchorage and
10 Fairbanks, are key economic drivers in the state. They
11 account for over 10,000 jobs in our state.

254-1
(Cont.)

12 As part of our growth and development, we
13 have enjoyed a very excellent partnership with the TAPS
14 and that was prior to our ownership purchase here a
15 couple years ago in TAPS as well as subsequent to. We
16 have appreciated their reliability. We've appreciated
17 their environmental concern that we think is very high
18 and we know is very high and we also appreciate their
19 dedication to the communities where they serve.

20 We also, based on our association and
21 acknowledge do not feel any additional oversight is
22 needed for the pipeline.

254-2

23 Looking down the road, Alaska refiners
24 are faced with some horrendous costs to improve air
25 quality for all Alaskans as is being done throughout the

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1 nation, through low sulphur, diesel and gasoline. These
2 are multi-million dollar investments that won't bring us
3 one more gallon of sales but are important to make. And
4 I can say that, you know, these investments require a
5 sure and long-term supply of crude.

254-3
(Cont.)

6 Clearly TAPS has been and will continue
7 to have a significant impact on the economy of our state
8 both in the private and public sectors. It is our firm
9 belief that a renewal period of less than 30 years would
10 have negative impacts on any future capital investments
11 in the energy sector by our company or other companies
12 and then we would see the consequent negative impacts on
13 our economy.

254-4

14 So we do support the 30 year renewal with
15 current conditions. We think it's very critical. And I
16 can tell you as a company in an industry that adds a
17 great deal to the economy to Fairbanks and the state, we
18 have a day to day great interest in TAPS being reliable,
19 being safe and doing their job by continuing the
20 maintenance that they do. And we know that they do that
21 maintenance because we have to shut down and we schedule
22 our maintenance around the times that TAPS is down and we
23 appreciate the advance notice they give us. Sometimes
24 maintenance is required and sometimes things happen we
25 don't have advance notice, but we're very well aware of

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1 the time that's spent on maintenance and we appreciate
2 that.

254-6
(Cont.)

3 And again, urge the 30 year renewal under
4 current conditions. We appreciate you coming to our
5 community and staying up this late and we apologize for
6 the smoke.

254-7

7 HEARING OFFICER GEARY: Thanks for your
8 comments. Cindy Mittlestadt, number 38. 00255

9 MS. MITTLESTADT: Good evening members of
10 the collective evaluation teams. My name is Cindy
11 Mittlestadt. I'm the communications manager for the
12 Alaska Support Industry Alliance, commonly referred to as
13 the Alliance. I am an Alaska resident for over 13 years
14 and will submit a copy of my report -- or my remarks and
15 a report at a date later in the comment period. I
16 testify before you tonight in regards to the Draft
17 Environmental Impact Statement and the Proposed
18 Determination.

19 The Alliance is a non-profit trade
20 association comprised of over 420 member companies who
21 derive their livelihood from Alaska's oil and gas
22 industry. This equates to more than 35,000 employees
23 statewide many of whom were involved in the pipeline's
24 original state of the art construction. Of approximately
25 249 vendors providing direct services to the Alyeska

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1 Pipeline, about 21 percent are Alliance members, of those
2 member contractors 18 are Alaska Native owned or enjoy
3 partnerships with Native entities and an additional 21
4 provide direct services through the Alyeska/Fairbanks
5 business unit.

255-1
(Cont.)

6 At its completion in 1997, \$8 Billion was
7 invested in the project and now in it's 25th year of
8 operation oversight and maintenance of TAPS continues to
9 be unparalleled. TAPS overall performance reliability
10 rate is in excess of 99 percent since startup. Alyeska's
11 corrosion control program, valve maintenance program and
12 spill response plans are the leaders in the industry.
13 More than \$9 billions of dollars are spent each year for
14 maintenance.

255-2

15 The financial investment in maintaining
16 the pipeline and continued throughput weighs
17 significantly on future decisions by businesses and state
18 government. A renewal of the pipeline Right of Way for
19 less than 30 years would disenfranchise new investment in
20 the North Slope and increase business risk for Alaskan
21 operators ultimately leading to a downward spiral of
22 employment, population, state product and income.
23 Concurrently, the state of Alaska would experience
24 increased budget shortfalls further impacting the State's
25 ability to provide necessary services and programs.

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1 I'd like to share with this team some
2 statistical data compiled in a study entitled Economic
3 Impact of the Oil and Gas Industry in Alaska and dated
4 January of 2001.

5 The study was commissioned by the
6 Alliance and the Alaska Oil and Gas Association. This
7 study found that the industry spends \$2.1 Billion
8 annually, a dollar value equal to the state of Alaska's
9 general fund. In other words, the oil industry provides
10 approximately 80 percent of the state's unrestricted
11 revenue. Additionally, other key findings of this study
12 include the industry directly spends \$422 million on
13 payroll in Alaska, \$1.7 billion on goods and services in
14 the state. Additionally, in the Fairbanks North Star
15 Borough the industry directly employs over 500 people,
16 pays out \$40 million in payroll and spends 190 million
17 for goods and services. Indirectly this total impact in
18 the Borough is 4,133 jobs representing 12 percent of the
19 area job force.

20 Now, more than ever, Alaska's
21 contribution to the domestic supply is critical to
22 diminishing our reliance on foreign sources, particularly
23 from nation's whose governments are unstable, are often
24 anti-American and some who actively support terrorists
25 acts against the United States.

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1 Regulatory oversight of the Alyeska
2 pipeline is unprecedented to others in North America.
3 The Alliance believes that the Joint Pipeline Office, a
4 body consisting of over 13 Federal and State agencies
5 serves as a unique model for the way government and
6 industry work together to solve problems avoid
7 duplication of effort and bring about best practices in
8 government and industry.

9 As contractors with first-hand experience
10 working with regulatory agencies, we know that
11 regulations, permitting and oversight bear significant
12 costs, often in excess of basic transaction costs.
13 Adding an additional layer to this regulatory oversight,
14 for example, the concept of a citizen's advisory group to
15 the existing oversight body would only increase
16 production costs and reduce state revenues. Such
17 increases can only mean that our contractors will
18 experience similar scale increases in their costs to
19 provide services. This, today, in an environment where
20 contractors are providing professional and technical
21 labor for nominal margins.

22 Adding any additional oversight for the
23 next renewal term simply doesn't make good sense, in
24 concept or justify those additional costs.

25 The Alliance urges the Bureau of Land

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1 Management to renew the Trans-Alaska Pipeline system
2 Right of Way for 30 years under its current terms and
3 conditions and with no additional oversight.

4 Thank you for this opportunity this
5 evening.

6 HEARING OFFICER GEARY: Thank you for
7 your comments. Marnie Isaacs, did I get that -- I
8 apologize. 00256

9 MS. ISAACS: That's fine. Thank you for
10 the opportunity to offer the following testimony
11 regarding the BLM's Draft Environmental Impact Statement
12 and the State of Alaska's Proposed Commissioner's
13 Determination.

14 My name is Marnie Isaacs. I'm the
15 external affairs coordinator for the TAPS Right of Way
16 Renewal Team. I have been asked by Mr. Tom Ryan, vice
17 president and general counsel for TOTALFINAELF,
18 Exploration and Production USA, Incorporated
19 headquartered in Houston, Texas to read their testimony
20 into the record tonight.

21 TOTALFINAELF is a top ranked
22 international oil and gas company with daily production
23 of 2.2 million barrels oil equivalent per day, reserves
24 of 11 billion barrels and oil and gas activities in 45
25 countries world wide.

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1 TOTALFINAELF E&P, USA, Inc., a wholly
2 owned subsidiary of TOTALFINAELF S.A. was the high bidder
3 on 20 blocks at the National Petroleum Reserve Alaska
4 Lease held on June 3rd, 2002. Substantial investment
5 will be required to explore, appraise, develop and
6 produce any oil and gas discovered.

7 A key factor in our decision to make
8 additional investments will be the availability of
9 infrastructure, on a long-term basis, through which we
10 can transport oil and gas discovered to the market place.

11 We see our involvement in oil exploration
12 and production in the NPRA as a long-term investment. We
13 have already spent a number of years acquiring and
14 analyzing geophysical data in the area prior to our
15 decision to bid at the lease sale. Exploration of the
16 leases acquired will be two to four years to complete.
17 Experience suggests that it may take around five to seven
18 years to appraise and bring into production any
19 discoveries made. Fields are expected to have a
20 production life of 15 to 20 years. This implies that
21 there will be a need for infrastructure for over 30
22 years. Confidence in the availability of this
23 infrastructure, at competitive process, is a key factor
24 in any investment decision.

25 With future Alaskan lease sales planned,

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1 a negative message would be sent to all potential
2 participants if the TAPS Right of Way is only extended
3 for five to 10 years. Such an extension will only create
4 additional uncertainty in the already heavily burdened
5 North Slope economics.

6 TOTALFINAELF E&P USA is in full support
7 of extending the Right of Way for the Trans-Alaska
8 Pipeline for at least another 30 years to ensure the
9 availability of export infrastructure at a fair price.

10 Thank you very much.

11 HEARING OFFICER GEARY: Thank you. I'll
12 enter these comments in as Exhibit 61.

13 (Hearing Exhibit 61 marked)

14 HEARING OFFICER GEARY: Anna Godduhn. 00257

15 MS. GODDUHN: Good evening. Thank you. I
16 will be addressing the DEIS and the Commissioner's
17 Statement.

18 I don't have any comments. I'm bidding
19 for the short comments prize.

20 I don't understand the reluctance to have
21 a citizen's advisory committee. The word, insane, was
22 applied to that idea earlier this evening and that
23 strikes me as rather insane and this has all been said.
24 In these days of mistrust and what not, the credibility
25 issues are second to the safety issues but credibility is

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(Cont.)

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1 certainly an issue. And the reluctance because of the
2 cost strikes me as a continuation and propagation of this
3 refusal to pay the real costs of exploitation of the
4 environment.

257-1
(Cont.)

5 We do need these resources. I drove here
6 myself tonight. That's not my issue. But we need to
7 start paying the real costs and I guess I'm the first one
8 tonight to say that if it takes more money to implement
9 these safeguards then that's what we need to do. If
10 profits need to come down that's what we need to do. The
11 system, as it stands is pretty unsustainable.

257-2

12 The talk about growth and expansion of an
13 unsustainable unrenewal resource is fairly contrary, it's
14 not going to work indefinitely and we need to address
15 that and we need to start paying some real costs.

16 That's all I want to say. I would
17 support all the recommendations from the Forum for
18 Environmental Responsibility.

00258

19 HEARING OFFICER GEARY: Thank you. Sean
20 McGuire, 41.

21 MR. MCGUIRE: Sean McGuire. I appreciate
22 the opportunity to speak tonight.

23 You know, I've been sitting here watching
24 throughout the evening and I see all these people coming
25 up and saying what a great job Alyeska is doing and how

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1 good it is and basically give them whatever they want
2 and, you know, if you go anywhere into a town that's
3 dominated by any industry, you know, you're going to get
4 the same thing, that's the nature of the beast. They're
5 going to come up there and say what a great job they're
6 doing. The politicians will jump in and wallow up to the
7 trough and, you know, that's the nature of the beast,
8 there's nothing wrong with it. They're promoting
9 themselves and their industry and their group, that's the
10 nature of Democracy.

11 But I would hope that that Federal
12 government would look past, you know, the people that are
13 up here today supporting 30 year leases and do what's
14 right for the American people. If you look -- if you go
15 down to Houston, they would have gone out there and
16 supported Enron and said what a great company it is but
17 as oversight, as the Federal government, you hopefully
18 will be -- you know, it's your job to look out for the
19 national interests, this is public land. It's a public
20 resource. I just think it's crucial for you to separate
21 local politics from national interest.

22 So the other thing I do want to say and
23 it's kind of hard to say but I was urging people to get
24 down here tonight and speak out and I can tell you there
25 is a lot of cynicism. With George Bush in there, I

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(Cont.)

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1 think, people feel like these guys are going to get
2 whatever they want and we could have 500 people down here
3 and it wouldn't do a bit of difference. And I think if
4 you look -- and you know, it's hard to argue with that
5 because, you know, when George Bush got elected what was
6 the first thing he did, well, A) -- let me backtrack a
7 little. His biggest supports were the energy, Enron, I
8 think was his single biggest supporter and most of the
9 energy, the oil companies, he's an oil man and what did
10 he do, the first thing he did was he invited them into
11 the White House to make energy policy, the very guys that
12 were going to be making money were invited in there to
13 make policy. It's really hard to get people to have any
14 faith in the system when a leader of the nation is doing
15 stuff like this.

16 And I think there's a sense of, you know,
17 it's something even as small as asking for a citizen's
18 oversight, you know, I think people just feel like that
19 with the politics in play right now, the citizens are not
20 going to be -- there's no one really going to bat for the
21 average Joe Blow in this country. The corporations are
22 dominating and they've got the money.

23 So I just - you know, it's hard to
24 ignore that, but hope against hope it would really be
25 nice to have a surprise and see that maybe, you know,

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(Cont.)

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1 maybe there could be a citizen's oversight, you know, it
2 just seems like such a small thing.

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(Cont.)

3 30 year leases, why would you give
4 someone a 30 year lease? I mean the only leverage you
5 got over these groups that are running the pipeline is a
6 lease, why would you give them a 30 year lease? If they
7 get a 30 year lease, then they do what they want. If
8 their lease is five years or seven years, then they have
9 to -- you know, it's just human nature. You know, if Al
10 Gore had gotten in there this would have been a whole
11 different thing, these guys would have been sweating and
12 we would have got a citizen's oversight and we would have
13 got probably a seven year lease, that's my take on it.

258-3

14 But I waited down here tonight. I don't
15 think it's going to make any difference. I waited until
16 11:30 but I felt like, at least, I spoke and, you know,
17 that's all I can do.

18 Thank you.

19 HEARING OFFICER GEARY: Thanks for your
20 comments. Carl Benson.

00259

21 MR. BENSON: I'm Carl Benson and I'm
22 speaking for myself. For the past 50 years I've been
23 active as a scientist and a physical scientists,
24 geological sciences, primarily in Greenland, Antarctica
25 and here for the past 40 years in Alaska.

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1 But I wanted to talk a little about
2 change. In the last 30 years there's been a lot of
3 changes, including now we're seeing better evidence that
4 the climate itself is undergoing some changes that are
5 significant. But in 30 years, just go back, 1976, 30
6 years ago, is the first time that desk computers had a
7 video screen and a keyboard. That's not long ago and now
8 it's taken over. I mean everywhere you see these things
9 sitting around on desks. But before that you punched in
10 your data and it ran and you waited overnight, you got
11 the results, you found they were all screwed up and you
12 had to start over again the next day. And this
13 interactive keyboard was a big deal. But just think of
14 that, just 30 years ago.

15 And if you go back 50 years ago, there
16 was no molecular biology. Now, we talk about DNA, RNA,
17 DNA in crime cases. 50 years ago we didn't have the
18 molecular biology in our thinking and platectonics, which
19 had enabled us to really understand a lot of the earth,
20 including the complex southern part of Alaska.
21 Platectonics wasn't in our tool kit, in our mental tool
22 kit, that's just 50 years ago.

23 60 years ago when the Japanese bombed
24 Pearl Harbor, the U.S. was an exporter of fuel to the
25 world and the Japanese didn't hit the tank farm at Pearl

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1 Harbor, it wasn't a target, they didn't think it made any
2 sense to waste time bombing the fuel because the
3 Americans had so much fuel they could just replenish it.
4 If they had blown up those tank farms we would not have
5 won at Midway and the whole course of the battle in the
6 Pacific would have been quite different.

7 I was in the Navy at the end of the war
8 and I know, we were talking about this sort of thing, I
9 didn't see it as clearly then as I do now.

10 But then when we talk about the magnitude
11 of the industry, some people are talking about the
12 profits and worried that if you cause any trouble you're
13 going to interfere with their profits. Don't worry. The
14 first 19 years the oil industry was in Alaska, through
15 the first 19 years, they made \$250,000 per hour every
16 hour of every day for 19 years, that's Saturday and
17 Sunday and national holidays, including Groundhog's Day,
18 they were still making 250,000 bucks an hour.

19 Well, the other point about the magnitude
20 of the industry, there's no question they're contributing
21 to the economy, they're doing great things here but in
22 the magnitude of the industry it's like the sweat off my
23 knuckle on a dry day. It just doesn't matter. They're
24 so huge you can't imagine.

25 The budget, the annual sales of the oil

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1 industry here is 50 times larger than the annual budget
2 of the state of Alaska and the State is supposed to
3 manage this, it's like asking a rabbit to manage a moose.
4 There are huge differences here.

259-1
(Cont.)

5 Anyway, but I only have a couple comments
6 here. The vertical support members, I've been concerned
7 the top 10 meters of the ground, the temperature is
8 increasing, how many of these are leaning, a gentleman
9 just recently said, we're in good shape, they're being
10 repaired. I'd like to see that addressed, how much
11 repair is needed, do they have to be deeper, do we have
12 to put more units in to pump more heat out? This is a
13 significant thing as long as we are measuring the
14 increased temperature in the ground. There are some very
15 good reports published in the last four years on this
16 temperature increase in the ground.

259-2

17 There are problems of corrosion that
18 don't think have been completely addressed here and I'd
19 like to see them addressed more completely.

259-3

20 And the third and last thing I want to
21 mention is the seismic hazards. During planning of the
22 line, there was a very good assessment of seismic hazards
23 and there was some consultants brought in here and there
24 was also a fair amount of expertise right here at the
25 University. But in the past 30 years we've learned a lot

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1 about seismic hazards and it's a different picture than
2 it was 30 years ago, I don't see that as part of the
3 picture. And the consultant at that time, a consultant
4 from Texas urged the coordination with the Alaska
5 Earthquake Center here at the Geophysical Institute,
6 active coordination between the pipeline and the
7 Earthquake Information Center where we have a lot of
8 units, both State, the University and USGS units. This
9 has not happened. They have not done that kind of
10 coordination and I would urge that they do.

259-4
(Cont.)

11 I'd also urge increase seismic monitoring
12 and not only coordination with the Alaska Earthquake
13 Information Center but with the State seismologist, who
14 is also based here at the Geophysical Institute.

259-5

15 So those are my main points. But
16 philosophically I'd like to point out that people who
17 talk about government being on our backs, 49 of the 100
18 biggest economies of the world now are governments and 51
19 are corporations. The government represents the people
20 and right now these multi-nationals are in a position to
21 dominate things to the point that we need government
22 oversight.

23 I'd like to really end by saying that the
24 government is the only part of our society that is really
25 charged with taking a long-term view, maintaining

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1 records, maintaining stream data records, weather
2 records, seismic records, anything else. Universities
3 can't do it, their individual research projects, industry
4 doesn't do it, it's got short-term goals, so government
5 is the only place in our society that is formally charged
6 with the long-term view for the people. And that's
7 something I'd like to leave you with.

8 Thanks.

9 HEARING OFFICER GEARY: Thank you for
10 your comments. We're going to take another 10 minute
11 break and start back in 10 minutes. Off record.

12 (Off record)

00260

13 (On record)

14 HEARING OFFICER GEARY: All right, I'm
15 going to call this meeting back to order. All right, the
16 next scheduled speaker is Mark Ames.

17 MR. AMES: Thank you. It's a privilege
18 to be here. I don't want to take up a lot of your time.
19 I'm a grateful Native born Alaska American here from the
20 Interior, the city of Fairbanks which is going to shortly
21 experience its 100 year Centennial next year, it will be
22 the 50th Anniversary of the city of North Pole and the
23 80th Anniversary of our 29th President, Warren Harding,
24 the last of the old high and line (ph) to visit 56 years
25 after session in 1923 who would, through his

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1 administration, establish the NPRA, National Petroleum
2 Reserve and also what later became the GAL, the
3 Government Accounting Office which is, by the way, in
4 pursuit for those elusive Enron papers.

5 I learned here throughout some time here
6 that when the pipeline, again, I'm grateful for this
7 forum and the wonderful skills and unions and everything
8 that's went into the pipeline, I have family members that
9 work there, I worked on the Slope myself, but as I
10 understand it there are 187 allottees along that route
11 that were not compensated when the pipeline was built and
12 that causes me some disturbance with the massive amounts
13 of dollars generated in profits. And to find that these
14 people were not adequately addressed is disturbing to my
15 conscious. And I believe that a citizenship oversight
16 commission is something, when one looks at the weight of
17 interest, an Alaskan citizenship oversight committee, I
18 think, should be authorized.

19 I think the extension requested for the
20 examination of the review should be as well granted.

21 I support the intended retention of state
22 interest over the State's providential land based
23 economic revenue resource base provision predominately
24 over those commodities extracted, commercialized,
25 developed from Federal lands in Alaska, which the State --

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260-3

260-4

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1 the people of Alaska have not relinquished interest in.
2 Specifically through the Alaska Statehood Act ratified
3 July 7th, 1958 by the 85th U.S. Congress leading to
4 statehood, January 3rd, 1959 under President Eisenhower,
5 I think in the Environmental Impact Statement, we have to
6 take our horse blinders off because there is perhaps a
7 little bit more to the environment than we at first blush
8 want to recognize.

260-4
(Cont.)

9 The disenfranchisement of the public
10 incorporated politically body politic of the state of
11 Alaska which entered into a statehood act of national
12 agreement with the formula, the 90/10, specifically the
13 Alaska's constituted State Statute, Section 28(A)(1) 90
14 percent is not being honored is not being honored.
15 There's no contract compliance.

16 There's been no release, no rural or
17 urban election district due process by the principal
18 parties of ownership interest.

19 Going back to the 187 allottees, there is
20 ramifications to discontent. And I think it's beneficial
21 to the people of the state of Alaska and our Federal
22 government to accommodate reasonable requests.

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23 The resources involved in this industry
24 are a mess. And it puts those that were to benefit at a
25 great disadvantage. Eisenhower, under whom we became a

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1 President 43 years ago [sic], warned us about the
2 military industrial complex. And there should be
3 warnings issued about the oil company industrial complex
4 as well.

5 The International Court has come into
6 being in the European theater and a surrogate of the UN,
7 which by the way President Harding opposed, has here
8 within the hemisphere of the America's, the International
9 Organization of American States, a UN surrogate, one of
10 these disenfranchised allottees as filed an international
11 criminal denunciation and petition before the
12 InterAmerican Commission on Human Rights of the
13 Organization of American States and that case number is
14 number 11.077. It was quite a surprise to read this, it
15 just came to my attention but it's dealing with the
16 resources.

17 Alaska is not getting its royalty revenue
18 provisions. The economic depravation and the chain link
19 of events that this has caused which is why the first and
20 second Organic Acts were passed, because Alaska's
21 resources were being extracted and taken and not
22 benefitting the local people.

23 So I have some submissions to make with
24 regard to public resolute, jurisdictional claims of
25 interest that come from all corners of the state,

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260-6

1 expressions of interest on our 90 percent non-renewable
2 natural resources, mineral, oil and gas, that are being
3 extracted. I mean once it shoots down that pipeline, if
4 we're not getting our provisions, then we're not going to
5 get it. And so I think that that needs to be examined
6 and I'll have a packet of those provisions.

7 I would also like to point out that HR4
8 that was introduced to the House recently by Congressman
9 Young, Alaska's only Congressman, left out mention of our
10 90 percent provision, literally worth billions to the
11 state of Alaska.

12 Now, this is after the State had
13 reaffirmed its interest and multiple rural and urban
14 public incorporated political subdivisions of the state,
15 cities, boroughs and municipalities, to include Fairbanks
16 -- in a Fairbanks Daily News Miner article dated March
17 3rd, Young, in his bill chose to simply leave out mention
18 of the revenue split, the 90/10 formula. We're faced
19 with taxes here because of this fictitious fiscal gap but
20 it's not really fictitious because the oil industry
21 complex and the profit driven nature behind it is
22 extracting and we're not getting a fair return. Over 10
23 attempts at statehood was made but it was this revenue
24 provision that made the difference in statehood and now
25 there's been a betrayal of that.

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1 This Bill simply left it out and while on
2 the Senate side there's an active effort to presumably
3 take and this is without affording Alaska's people, the
4 principal parties of ownership interest any rural and
5 urban election district due process. As a matter of
6 fact, one opinion came out that it was against, you know,
7 that the people of Alaska have no constitutional right to
8 participate and sit down at the table with the reduction
9 of our 90 percent provision and this is all very
10 disturbing.

11 HEARING OFFICER GEARY: Thank you for
12 your comments.

13 MR. AMES: So as a grateful Alaskan I'd
14 like to thank you for this opportunity and ask you to
15 examine those very pertinent raised public points.

16 HEARING OFFICER GEARY: Thank you, Mr.
17 Ames.

18 MR. AMES: Thank you.

19 MS. BUSHEY: Give them a copy for their
20 record.

21 HEARING OFFICER GEARY: Okay.

22 MR. AMES: It's all on record with the
23 U.S. DI, Bureau of Land Management here again in
24 Fairbanks.

25 HEARING OFFICER GEARY: Okay, I'll mark

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1 this as Exhibit 62 and include it with the packet.

2 (Hearing Exhibit 62 marked)

3 HEARING OFFICER GEARY: Joan Marie 00261
4 Bushey.

5 MS. BUSHEY: Bushey. If you're all
6 American Bushey's all right, but Bushey is the French
7 name and I am Joan Marie. I'm 50 years in Alaska, raised
8 six children here, three of them born in Fairbanks, Old
9 St. Joe's.

10 I'm not for the continuation of 30 years
11 on TAPS. Alaska's people as an oversight commodity
12 should be. I can't imagine anyone, even our State people
13 not taking into recognition that the people should have a
14 voice. And also along with this, all the Right of Way's
15 should be monetarily cleared and paid for the past and
16 the present.

17 Upkeep on the oil pipeline could be done
18 by our state of Alaska. And through the testimony
19 throughout here this evening, the state of Alaska
20 certainly does have the manpower and the know-how within
21 it to do this.

22 The gas line that we've all been
23 questioning and would like to have, I propose should
24 follow the oil pipeline and go right on into Valdez and
25 keep it in the state of Alaska as long as possible due to

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1 the last speaker's 90 percent, 28(A)(1), we would then be
2 protected more with our 90 percent. If it goes into
3 Canada we lose that. The minute it crosses the line.

261-4
(Cont.)

4 And our Native education program also
5 proves that our workers and our unions do have the
6 manpower and know-how to assist and go through with the
7 state of Alaska.

261-5

8 Along with the oil and the gas that we're
9 proposing, that gas line coming from up in the north on
10 down should first consider our villages, our Native
11 villages and see that there needs are definitely taken
12 care of.

261-6

13 All maintenance can be covered by our
14 state. I've stated it, I shouldn't repeat it but it's
15 true. Here in the state would not change under State run
16 pipeline and would ensure, may I repeat, our 90 percent,
17 Section 28(A)(1), that at this time is not being honored
18 and being given away by Frank Murkowski, Don Young and
19 Mr. Stevens. And I'm sure they know that there is going
20 to be another vote, I don't know what they're thinking
21 of.

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22 Along on those lines, I will leave you
23 and I am going to send in a written report and I thank
24 you.

25 HEARING OFFICER GEARY: Thank you for

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1 your comments. Ryan Tinsley.

2 MR. TINSLEY: Dear God my head hurts but
3 thanks, I'm sure this is painful for you as it is for us.
4 But I feel that it's important and I'd like to submit my
5 testimony.

6 It is for in favor of some of Richard
7 Fineberg's recommendations and the Alaska Forum on
8 Environment.

9 As far as a public oversight committee, I
10 mean, it seems very basic, I mean, we as Americans and as
11 working people know that what makes economic sense does
12 not necessarily mean it is what's responsible to be done
13 and this is just a fact of business in the world we live
14 in. I'm wearing shoes by a world class company, Nike,
15 and they're a world class company because they do what
16 makes economic sense and they hire children to make their
17 shoes. So this isn't what is necessarily best.

18 And you look around the world today at
19 oil companies and what happens when they are not
20 regulated and oversight isn't given and you end up with
21 UNOCAL committing genocide in Bangladesh and Shell and
22 Nigeria and the list goes on and on and it's a big mess
23 and it's very disgusting.

24 But, you know, it's just common sense
25 that we all know from driving cars, anything that has to

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1 do with transportation, mechanical things in general,
2 they degrade with time. It's just one of the things that
3 we, as people, haven't overcome. It's not like machine's
4 age like a fine wine, they tend to degrade. And they
5 like to say that it has in some way gotten better. All
6 of a sudden the pipeline after 30 years of use is even
7 better than it was when it was new, this is just obscene.

262-3
(Cont.)

8 Obviously it has corrosion, I've heard
9 stories of them mapping and finding maps of Texas welded
10 on the inside of the pipeline and it and, you know, the
11 thing is definitely -- it's falling apart, it's just a
12 matter of time. And so it's just the nature of what it
13 is.

262-4

14 I don't need to go on and on. It just
15 seems like it would be a small price to pay. These guys
16 make a lot of money and a public oversight committee for
17 nothing else would just add, at least, they could say,
18 well, look, you know, we were attempting to comply with
19 you as much as possible and it would relieve a lot of
20 pressure and make people here feel better and more
21 involved. I mean we're dealing with a situation in
22 corporate climate where even my hero, Martha Stewart is
23 in question, you know, I mean the list goes on and on for
24 companies that are having problems from top to bottom.
25 It's just what makes money does not necessarily -- it

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1 only makes money it doesn't make sense.

2 So thank you for your time. And I'm pro-
3 committee. Thanks.

4 HEARING OFFICER GEARY: Thanks for your
5 comments. Stacey Fritz. 00263

6 MS. FRITZ: Hello, I'm Stacey Fritz.
7 Thank you for this opportunity to comment. I appreciate
8 your time.

9 We've heard many complaints tonight about
10 cumbersome environmental permitting processes for
11 projects like TAPS and how they're not only worthless but
12 pose a danger to our economy. At the same time those
13 people that are pushing for a quick and easy lease
14 renewal point to the successes and safety record of the
15 pipeline. How quickly they forget the seemingly endless
16 battles that pipeline developers fought during the
17 construction of TAPS in the 1970s.

18 So-called environmentalists forced them
19 to improve the designs and standards of the pipeline for
20 which they now take credit. The pipeline developers
21 spent billions of dollars more than they wanted to to
22 comply with the strict new standards which were
23 appropriate for such a huge project that posed a risk for
24 environmental catastrophe across this beautiful and
25 revered land.

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1 I would suggest that had the pipeline not
2 been forced by concerned citizens and organizations to
3 build and maintain the pipeline according to strict
4 standards, it is very likely that Alaska would have
5 experienced an Interior Exxon Valdez by now.

6 The manager of the TAPS Renewal Project,
7 Steve Jones, stated that the pipeline is in many respects
8 in better shape today than it was 25 years ago. I think
9 this is an incredible statement, at least an
10 exaggeration. But I would at lease expect that Mr. Jones
11 should be thanking those groups that have been interested
12 in and acting as watch dog agencies for the activity of
13 the pipeline, not because it pumps billions of dollars
14 into their corporate bank accounts but simply because it
15 pumps the state's crude oil through their home for their
16 own natural self-interest.

17 So I am asking you to please give
18 citizens of this state a chance to study this lease
19 renewal permit and the myriad problems the aging pipeline
20 faces.

21 The oil company should do themselves a
22 public relations favor by establishing a citizen's
23 oversight group. Please place TAPS removal and
24 restoration funds in an escrow account.

25 Please transfer TAPS to one single

263-1
(Cont.)

263-2

263-3

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1 responsible managing party with no interest in North
2 Slope production.

263-3
(Cont.)

3 In short please be truly responsible
4 neighbors, and I'm asking this of the government ask the
5 oil company, and make all efforts to consider the well
6 documented criticisms made by the Alaska Forum for
7 Environmental Responsibility.

8 Thank you.

9 HEARING OFFICER GEARY: Thank you for
10 your comments. Liz Greg, number 48. Liz Greg. Bob
11 Henrich, number 49.

00264

12 MR. HENRICH: Well, thank you for the
13 opportunity to speak. I'm the president of the Native of
14 Village of Eyak, we're the largest tribe in Prince
15 William Sound. At previous hearings we extended the
16 offer of technical assistance to the other tribes and
17 organizations in the Chugach Region, to the Prince
18 William Sound Regional Citizen's Advisory Council, to
19 Argonne Labs and Jerry, must so you won't feel left out,
20 we make that offer to JPO.

21 The list of preparers for the Draft
22 Environmental Impact Statement lists 29 people. It seems
23 that none of them are Alaska Natives. It seems to be a
24 strange way to do a Draft Environmental Impact Statement
25 on a pipeline entirely of the State of Alaska with no

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1 Alaska Natives involved in the preparation of this Draft
2 Environmental Impact Statement. That may explain why in
3 the Volume 5 figures, there is no Native Village of Eyak
4 subsistence harvest area. The Native Village of Eyak
5 with over 500 members is the largest tribe in Prince
6 William Sound. We are recognized as a tribe by the
7 United States and the State of Alaska. The traditional
8 homeland we have occupied and utilized to feed our
9 families consists of Prince William Sound, the Copper
10 River Delta and Gulf of Alaska. The tankers that carry
11 the oil from the Trans-Alaska Pipeline travel through our
12 traditional hunting and fishing grounds. We share much
13 of these area with the Tatitlek and Chenega tribes.

264-1
(Cont.)

14 Had the preparers of this Draft
15 Environmental Impact Statement done their homework, they
16 would have found that in 1995 the Native Village of Eyak
17 filed suite against the Secretary of Commerce, and
18 claimed aboriginal title to the Outer Continental Shelf,
19 citing our 10,000 year history of using these waters to
20 sustain our families. The rest of the tribes in the
21 Chugach region joined this lawsuit and this case is still
22 in court.

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23 Had the prepares of this Draft
24 Environmental Impact Statement done their homework, they
25 would have found that in 1989, the members of the Native

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1 Village of Eyak, filed tens of thousands of pages
2 documenting their subsistence claims against Exxon Valdez
3 Oil Spill, my own personal subsistence claims were over
4 100 pages.

5 Had the preparers of this Draft
6 Environmental Impact Statement done their homework, they
7 would have found that in the years after the
8 establishment of the Exxon Valdez Oil Spill Trustees
9 Council there were several projects funded which
10 documented the traditional knowledge of the tribes'
11 subsistence uses in the oil spill region.

12 Had the preparers of this Draft
13 Environmental Impact Statement consulted with Alaska
14 Natives these issues would not have been overlooked.

15 When the tankers started to haul the oil
16 from TAPS, there were tanker lanes set up. We were told
17 that we could fish in these lanes at our own risk. These
18 were some of the prime tanner crab fishing grounds.
19 Because of the high amount of gear loss, we had to stop
20 fishing in the tanker lanes. We were shoved out of our
21 traditional fishing grounds, without so much as pennies
22 compensation.

23 With the events of September 11, 2001
24 these tanker lanes have been changed again. The Coast
25 Guard tells us we can't fish in these lanes and have

264-2
(Cont.)

264-3

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1 additional boats to enforce these regulations. With the
2 advent of individual fishing quotas for halibut and black
3 cod, many tribal members bought small amounts of IFQs to
4 supplement their other fisheries. With small boats the
5 safest place to fish is in Prince William Sound. Some of
6 the prime halibut grounds are these tanker lanes.

264-3
(Cont.)

7 A few years ago, Bob Malone, then
8 President of Alyeska met with our tribal council in
9 Eyak/Cordova. He told us that when the current fishing
10 vessel contract for oil spill response expired, that it
11 would be put out for bid and the Native Village of Eyak
12 would have a chance to compete for this contract. Bob
13 left Alyeska soon after this meeting. The contract
14 expired and was sole sourced without the Native Village
15 of Eyak even knowing about it. So much for the word of
16 the president of Alyeska. We wanted our tribal members
17 to have fishing vessel contracts and have them
18 administered the same as they are in Chenega and
19 Tatitlek. Many of the current core fleet boat owners
20 don't even live in Alaska. Some of them have contracts
21 for more than one boat while many of our members can't
22 even get one boat on contract.

264-4

23 Our tribal members have been asked to
24 give and give and give some more in order for American to
25 get the oil from the North Slope. Our lifestyles have

264-5

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1 bee trashed. Maybe the Right of Way grant shouldn't be
2 renewed for 30 years, but instead for five years and then
3 review Alyeska's performance. It is time for Alyeska to
4 live up to the promises they made to the members of the
5 Native Village of Eyak.

6 Thank you for listening to our concerns.

7 HEARING OFFICER GEARY: Thank you, Mr.
8 Henrich. We'll enter this as Exhibit 63.

9 (Hearing Exhibit 63 marked)

10 HEARING OFFICER GEARY: Arthur Hussey,
11 number 50. Arthur. Greg Hollaus.

12 MR. HOLLASUS: Yes, Greg Hollaus.

13 Position on gas as fuel and these go for you.

14 I am a resident of Alaska and make a
15 little mention, I was born in Canada and I want to say
16 that we will be using the gas line here now and we will
17 be using it soon. Others will pay the gas line.

18 I'm for renewable resource, some little
19 extra -- I'm for renewable resource while staying our
20 government. I'm staying in a gasoline near the oil
21 pipeline; so on, since we can be here for gas we will be
22 having a pipeline here soon, use a leader line in staying
23 near the pipeline, use these profits here.

24 A little side break is; there is ground
25 and there's easements and use it wise.

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264-5
(Cont.)

265-1

1 HEARING OFFICER GEARY: Thank you. Brent
2 Horn. Brent number 52. Greg Egan, 53. 00266

3 MR. EGAN: Hello. My name is Greg Egan.
4 I've been here in Fairbanks since 1977.

5 I'm going to start with, talk a little
6 bit about pipe. I was a refrigeration and heating
7 mechanic for the University of Alaska. I did maintenance
8 there for 15 years and if anybody has any question about
9 it, wine gets better with age, not pipe.

10 About 10 of those 15 years I spent
11 finding leaks and fixing them. And you have ion exchange
12 between the fluids that flow through the pipe. They
13 basically take little chunks of the pipe away, from the
14 inside, they make it look like an ant farm. You have
15 friction that affects the inside of pipe and you also
16 have electrolysis and those are just three off the top of
17 my head.

18 But anyway, the reason that people
19 replace piping systems is because it's cheaper than
20 maintaining them. Of course if you have a 800 mile long
21 one and half of it's buried it may not be, but that's --
22 it takes a lot of work and expense to maintain pipe.

23 One other thing is some time ago there
24 was a hole shot in the pipeline and, you know, we all
25 read the paper and you know, it took days for them to be

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266-2

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1 able to stop the leak and that shows that they're not
2 prepared for leaks, that's the bottom line. So that's
3 one thing. Now, we have some government oversight of the
4 pipeline and a few days afterwards they stopped the leak,
5 Tony Knowles is on the front page of the News Miner and
6 it says, he's saying that this is a success story, okay.
7 And to me there's a lot of lobbying done by big
8 corporations and I think it's very difficult for you to
9 be in government and to be taking money from big
10 corporations, or not taking money from them but you're
11 being lobbied by them, you're exposed to them, you're
12 exposed to their opinions and ideas.

13 You know, nobody comes and asks me what
14 my opinions or ideas are. I mean, you know, I'm not
15 paying a big lobbyist to go put it out there.

16 So basically we need, you know, we need
17 an oversight committee that is not involved with the oil
18 companies, they're not involved with, you know, politics,
19 they're strictly involved with what's best for their
20 community the way they see it. There's a lot of
21 knowledgeable people here tonight that have, you know,
22 maybe spoken better about this but it's real important.
23 They've got it, you know, for Prince William Sound, of
24 course that was after a big problem. You know, it would
25 be great if we could be proactive. It'd just be great.

266-2
(Cont.)

266-3

266-4

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1 You guys have like a great opportunity to make this
2 happen.

3 And I also think that rather than a 30
4 year lease or permission to operate for 30 years, I think
5 10 years is a long enough time and especially with the
6 age of it. And you know, a lot can happen in 10 years
7 and I think it would be good to revisit this in 10 years
8 and see how all the ideas we had today all panned out.

9 Thanks a lot for sticking around. I had
10 to work late tonight and I was surprised you were still
11 here. Good night.

12 HEARING OFFICER GEARY: Thank you for
13 your comments. One last time, Hank Bartos, Ed Clark,
14 Jeff Anderson, Liz Greg, Arthur Hussey, Brent Horn. This
15 hearing is adjourned until 2:00 p.m. tomorrow in Minto.

16 (ADJOURNMENT)

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I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska, and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

That this hearing was recorded electronically and thereafter transcribed under my direction and reduced to print;

I further certify that I am not a relative, nor employee, nor attorney, nor of counsel of any of the parties to the foregoing matter, nor in any way interested in the outcome of the matter therein named.

this 18th day of August 2002.



Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04



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Responses for Document 00220

00220-001: Thank you for your comment.

00220-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00220-003: Thank you for your comment.

Responses for Document 00221

00221-001: Thank you for your comment.

00221-002: Thank you for your comment.

00221-003: Thank you for your comment.

00221-004: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00221-005: The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

Responses for Document 00222

00222-001: Thank you for your comment.

00222-002: Thank you for your comment.

Responses for Document 00223

00223-001: Security for the TAPS is an issue of national importance. There are elaborate security measures and plans in place, involving numerous Federal and State agencies. BLM has reviewed these confidential plans and agrees with them. Opportunities to strengthen these measures will always be pursued diligently by the agencies involved.

Responses for Document 00224

- 00224-001:** Thank you for your comment.
- 00224-002:** Thank you for your comment.
- 00224-003:** Thank you for your comments.
- 00224-004:** Thank you for your comment.
- 00224-005:** Thank you for your comment.
- 00224-006:** Thank you for your comment.

Responses for Document 00225

- 00225-001:** Thank you for your comment.
- 00225-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00225-003:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00225-004:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00225-005:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00225-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00225-007:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.
- The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.
- The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.
- 00225-008:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00225-009:** Thank you for your comment. The BLM and other JPO member are working hard with the cooperation of APSC and the owner companies to prevent another major oil spill into Prince William Sound.

- 00225-010:** Information regarding the importance of the Copper River as a staging area for migratory shorebirds and other species is presented in Section 3.20.3. Text has been added to Section 4.4.4.10.1 to reiterate the importance of the Copper and Lowe Rivers for salmon production in the area and to recognize the potentially severe impacts to salmon in the event of a large spill entering those rivers. Please refer to the text box in Section 4.4.4.3 for a discussion about oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area.
- 00225-011:** The TAPAA and the Federal Grant of right-of-way provide BLM with all the authority it needs to oversee operation of the TAPS and to impose strict and enforceable requirements upon APSC to comply with necessary operational procedures. TAPS ownership is defined as joint and several, and thus if one or more owner companies cannot meet its financial obligations, the other companies are liable.
- The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00225-012:** The purpose of requesting public comments on a DEIS is to obtain additional information that would improve the quality of the analysis in the document. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS.

Responses for Document 00226

- 00226-001:** Thank you for your comment.
- 00226-002:** Thank you for your comment.
- 00226-003:** The maintenance of the pipeline was considered in the analysis.
- 00226-004:** Thank you for your comment.
- 00226-005:** Thank you for your comment.
- 00226-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00226-007:** Thank you for your comment.
- 00226-008:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00226-009:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.

Responses for Document 00227

- 00227-001:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00227-002:** Information on the historical problems noted in the comment were known to the EIS writers reviewing the operational history of TAPS.
- 00227-003:** The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. This authority will be used to assure that operations and maintenance of TAPS are adequately performed.
- 00227-004:** The comment appears to refer to the TAPS Pump Station 5 crude release on September 22, 2001 at 5:45PM in which 2,037 gallons of crude oil spilled to containment and approximately 200 gallons to land.
- On September 22, 2001, the APSC conducted a scheduled shut-down of the TAPS to conduct routine maintenance and testing activities to enhance cold restart capability. Prior to the 2002 shutdown and restart JPO required all procedures to be "walked down" to ensure a safe and reliable restart. While preparing to recommence the flow of oil through the pipeline, a pressure relief valve released crude oil inside the manifold building.
- 00227-005:** Thank you for your comment.
- 00227-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00227-007:** Thank you for your comment.
- 00227-008:** Thank you for your comment.
- 00227-009:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00227-010:** Thank you for your comment.

Responses for Document 00228

00228-001: Thank you for your comment.

Responses for Document 00229

00229-001: Thank you for your comment.

00229-002: Thank you for your comment.

00229-003: Thank you for your comment.

Responses for Document 00230

- 00230-001:** The operating and maintenance histories of TAPS were considered in the analysis.
- 00230-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00230-003:** Thank you for your comment.

Responses for Document 00231

- 00231-001:** Thank you for your comment.
- 00231-002:** Sections 3.25.1.3 and 4.3.21 have been modified to discuss APSC contributions to community programs.
- 00231-003:** Thank you for your comment.
- 00231-004:** Thank you for your comment. APSC contracting practices with regard to Alaska Native hires, whether positive or negative in terms of Native involvement, are beyond the scope of this EIS.
- 00231-005:** Thank you for your comment.

Responses for Document 00232

00232-001: Thank you for your comment.

00232-002: The Bureau of Land Management is the lead federal agency for the preparation of this EIS and for considering requests for participation by others. Council on Environmental Quality regulations were followed in evaluating requests for cooperating agency status. The BLM has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process, following government-to-government consultation procedures in accordance with Executive Order 13175. Regardless of the assistance provided in the preparation and review of the EIS, the BLM is responsible for its content.

00232-003: The Native Allotment Act of May 17, 1906, as amended, was repealed by the Alaska Native Claims Settlement Act on December 18, 1971. The Agreement and Grant of Right-of-Way (ROW) for Trans-Alaska Pipeline took effect on January 23, 1974. Under the Mineral Leasing Act, the Secretary of the Interior did not have the authority to grant the TAPS ROW across lands held in trust for an Indian. Native allotment applicants and certified allotment holders had prior rights that the federal government could not make subject to the TAPS.

Therefore, the federal government could not and did not authorize TAPS across lands that were subject to a Native allotment application or that had been certified as a Native allotment. The pipeline owners could only acquire access across the allotments by purchase, subject to approval by the Bureau of Indian Affairs, or by condemnation under the State of Alaska's laws.

TAPS crosses seven Native allotments. The pipeline owners acquired access rights across five Native allotments from the allottees. The Bureau of Indian Affairs approved these acquisitions. These are private access rights and are not subject to federal renewal of the TAPS ROW. The pipeline owners acquired access across one Native allotment by condemnation under Alaskan statute. The owners acted as agents for the State of Alaska. The access rights were acquired for and belong to the State of Alaska; they are not subject to federal renewal of TAPS. The pipeline owners are negotiating access rights from one certified allotment holder. They will acquire private rights or go to court and acquire access rights by condemnation that will belong to the State of Alaska. Neither will be subject to federal renewal. The original TAPS ROW grant did not, and TAPS renewal will not, authorize TAPS on this allotment.

Access across Native allotments in the Tanana Chiefs Conference (TCC) region was acquired legally. Court-approved compensation was awarded either by condemnation or by negotiation, as approved by the Bureau of Indian Affairs.

The Certificates of Allotment ("deeds to the allotment owners") were not issued subject to the TAPS ROW because the TAPS ROW was not granted on Native allotments. The Mineral Leasing Act prohibits the Secretary of the Interior from granting ROWs on Native allotments because they are trust lands. Rights not granted cannot be reserved.

Access across Native allotments is between the allottees, their representatives, and the pipeline owners.

Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

The Bureau of Land Management is the lead federal agency for preparation of this EIS and has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process. Tribal participation and Tribal input has and will continue to be a fundamental component of the government's responsibility to ensure safe and environmentally protective TAPS operations. Many laws and regulations that direct specific TAPS oversight and compliance issues include mandated Tribal as well as public review and comment; for example, subsistence hearings and oil spill response planning. Review and comment by Tribal groups and the public ensure full and open disclosure of the decision-making process. Government-to-government consultation procedures in accordance with Executive Order 13175 have been followed. Regardless of the assistance provided in the preparation and review of the EIS, the BLM is responsible for its content.

00232-004: Access, land use, and trespass issues related to Native lands are addressed in the EIS in Section 4.3.23.1, "Land Use." BLM recognizes the concerns of Tribal governments and Native allottees related to land use issues adjacent to TAPS. Although these concerns do not directly affect renewal of the Federal Grant of Right-of-Way, BLM will continue to work with these groups on these issues, as it has in the past.

The Bureau of Land Management is the lead federal agency for the preparation of this EIS and for considering requests for participation by others. The BLM has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process. Regardless of the assistance provided in the preparation and review of the EIS, the BLM is responsible for its content.

00232-005: Access, land use, and trespass issues related to Native lands are addressed in Section 4.3.23.1, Land Use. BLM recognizes the concerns of Tribal governments and Native allottees related to land use issues adjacent to TAPS. Although these concerns do not directly affect renewal of the federal grant of right-of-way renewal, BLM will continue to work with these groups on these issues as it has in the past.

Responses for Document 00233

00233-001: Thank you for your comment.

00233-002: Thank you for your comment.

00233-003: Thank you for your comment.

00233-004: Thank you for your comment.

00233-005: Thank you for your comment.

Responses for Document 00234

- 00234-001:** Sections 3.25.1.3 and 4.3.21 have been modified to note APSC contributions to community programs.
- 00234-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00234-003:** Impacts on the pipeline from seismic events were considered in initial designs. Monitoring for impacts from seismic events is ongoing. See Sections 4.1.2.4 and 4.3.3. The impacts of spills caused by seismic events are discussed in Section 4.4.1. Also, see Section 4.1.1.8 for a synopsis of the response to the bullet hole incident in October 2001 near Livengood.
- 00234-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Responses for Document 00235

00235-001: Thank you for your comment.

00235-002: Thank you for your comment.

00235-003: Thank you for your comment.

Responses for Document 00236

- 00236-001:** The issue of Alaska Native hiring on the TAPS is discussed in Section 4.3.21.1 (impacts under the proposed action). The EIS assumes that the APSC will comply with Section 29 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline (see Appendix B).
- 00236-002:** Thank you for your comment.

Responses for Document 00237

00237-001: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

While comments on the DEIS had to be received by the end of the 45-day comment period in order to be addressed in the Final EIS, additional provisions for involvement in the decision-making process apply to Tribal governments and Native organizations. The process of government-to-government consultation allows these groups to continue dialogue with the Bureau of Land Management.

00237-002: The DEIS sections on subsistence received many critical public comments, and as a result, have undergone substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies; and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents. With additional analysis of this data, the EIS draws reasonable conclusions concerning the renewal of the TAPS right-of-way, on the basis of existing information.

Responses for Document 00238

00238-001: Thank you for your comment.

00238-002: Thank you for your comment.

Responses for Document 00239

00239-001: Thank you for your comment.

00239-002: Thank you for your comment.

00239-003: Thank you for your comment.

00239-004: Thank you for your comment.

00239-005: Thank you for your comment.

00239-006: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00239-007: Thank you for your comment.

Responses for Document 00240

- 00240-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00240-002:** The BLM conducted the National Environmental Policy Act review process in full accordance with the implementing regulations issued by the Council on Environmental Quality.
- 00240-003:** Thank you for your comment.
- 00240-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00240-005:** Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.
- 00240-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00240-007:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00240-008:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00240-009:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00240-010:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.

The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.

The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.

- 00240-011:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00240-012:** Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.
- 00240-013:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00240-014:** Permafrost melting has been a continual concern since the TAPS was conceived, and surveillance for permafrost melting is routinely done. Intervention criteria already exists that would require certain actions be taken when those engineering criteria are met. For example, on vertical support members (VSMs) (the structures that support the aboveground portions of the pipeline) the angle of tilt that would trigger repair or replacement is specified.
- See Section 4.1.3.2.1 of the FEIS, which explains how the VSMs can be adjusted to respond to soil changes and seismic events.
- 00240-015:** The reader is referred to the text box in Section 4.1.1.8 of the FEIS for a discussion of the Milepost 400 (“bullet hole”) incident.
- 00240-016:** The reader is referred to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00240-017:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00240-018:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

Responses for Document 00241

- 00241-001:** Thank you for your comment.
- 00241-002:** Thank you for your comment.
- 00241-003:** Thank you for your comment.
- 00241-004:** Text has been added to the EIS in Sections 4.3.19.1.2 and 4.6.2.19.1 providing additional information on the assumptions used for the analysis of state and local government finances.
- 00241-005:** Thank you for your comment.
- 00241-006:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

Responses for Document 00242

00242-001: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

00242-002: The member agencies of JPO maintain constant oversight over all aspects of TAPS operations, including reviewing data to assess the environmental and public health impacts. Various state and federal agencies have issued operating permits to APSC that contain controls believed to be sufficiently protective of public health and the environment. Nevertheless, all such permits, along with their conditions and limitations, are subject to periodic review and update, utilizing all available information regarding environmental and public health impacts. Non-compliance with permit conditions would result in directives from JPO to APSC to develop and implement appropriate corrective actions.

With respect to hydrogen sulfide, we presume that the concerns reflected in this comment are directed toward the fact that hydrogen sulfide is present in fuel gas consumed in turbines at Pump Stations 1 through 4. The situation with respect to hydrogen sulfide content of fuel gas and estimates of the potential to produce sulfur dioxide, a criteria air pollutant, through the combustion of this fuel gas, is discussed in Section 4.3.9.1.

Responses for Document 00243

00243-001: Thank you for your comment.

00243-002: Thank you for your comment.

00243-003: As described in Section 4.3.24.1, with the exception of current changes due to security issues that may vary from time to time, access to the public lands in the vicinity of TAPS would not change with renewal.

Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the EIS. Scoping comments are not listed and identified individually or responded to in the EIS. Comments received on the quality of the analysis in the EIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

00243-004: The issue of access to public lands under the jurisdiction of BLM in Interior Alaska would be more appropriately addressed to the Northern Field Office, which has responsibility on a larger scale than the pipeline corridor. In addition, the BLM-Alaska has a legally authorized Regional Advisory Council (RAC) that meets regularly to discuss land management issues in Alaska. The RAC is composed of a diverse cross section of citizens who provide advice to BLM-Alaska and who work together in a collaborative setting.

00243-005: Thank you for your comment.

00243-006: Thank you for your comment. It will be included in the FEIS.

Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the EIS. Scoping comments are not listed and identified individually or responded to in the EIS.

00243-007: Currently, there are safeguards to ensure that the postulated accident would be highly unlikely to occur. There are weather restriction on tanker operations and ice routing measures such as posting an escort ship one mile ahead of the oil tanker. The responsibility of this escort ship is to search for any floating ice that could adversely affect the oil tanker.

Based on lessons learned from the Exxon Valdez spill, a number of improvements have been made (e.g., the creation of the Ship Escort Response Vessel System (SERVS) and phase-in of double-hull tankers) that will reduce the likelihood of a catastrophic tanker accident and the expected outflow given an accident.

Responses for Document 00244

- 00244-001:** Thank you for your comment.
- 00244-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00244-003:** Please see Section 2.5 of the FEIS for information regarding citizens' oversight.

Responses for Document 00245

00245-001: The design, operation, and maintenance of the TAPS and the performance of other pipelines in Alaska and other regions were considered in preparing the EIS.

The comment specifically refers to the performance of older (50 years) pipelines in the State of Texas. A more reasonable analogy would be the liquids pipelines in California, which is also subject to seismic activity similar to Alaska.

In 1993, the California State Fire Marshal published the "1993 Hazardous Liquid Pipeline Risk Assessment." The study found that seismic ground movements often caused damage to buried pipelines, but in evaluating pipe damage it was essential to differentiate between damage to buried pipelines, but in evaluating pipe damage it was essential to differentiate between damage to segmented pipe (bell and spigot or flange) and continuous pipelines (welded). Water pipelines are normally segmented, while oil and gas pipelines are continuous. The California Fire Marshall study found that "various earthquakes have shown that damage to segmented pipelines is much more common than damage to continuous pipelines. Of the roughly 500 leak incidents on California's regulated hazardous liquid pipelines during the study period, only 3 were judged to be due directly to earthquake effects."

The study found that external corrosion was the largest cause of leak incidents, representing 59 percent of the total. Third party damage accounted for 27 percent of the total releases during the study period (1981 through 1990). The study found that pipelines constructed before 1940 had a leak incident rate 20 times higher than pipelines constructed later than 1980.

00245-002: It is acknowledged that shortcuts were attempted in TAPS construction. However, possible deficiencies in TAPS were investigated and corrected when necessary.

00245-003: Thank you for your comment.

00245-004: It is acknowledged that shortcuts were attempted in TAPS construction. However, possible deficiencies in TAPS were investigated and corrected when necessary.

00245-005: Local governments (e.g., North Slope Borough) have zoning and building code authority over activities on non-federal lands within their boundaries. It is up to the local governmental bodies to exercise their authority concerning building code and zoning requirements for those lands under their jurisdiction. One would have to check each local government to determine if the zoning or building code ordinances have granted exemptions for oil and gas industry activities/facilities. Federal lands are not considered within the boundaries of local governmental corporations and would not be affected by local zoning and building code ordinances.

00245-006: The operational history of TAPS, maintenance activities, spill response capabilities, and the potential for spills associated with TAPS were considered in the analysis. Impacts associated with potential spills are discussed in Section 4.4 of the EIS.

The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.

The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline's spill contingency plan that are being made as a result of lessons learned are also discussed.

The TAPS Oil Discharge Prevention and Contingency Plan for the pipeline (C-Plan), prepared by APSC (2001g—see Section 3.30 of the FEIS for the reference), provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline, including at river crossings.

The C-Plan is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every five years by DOT. EPA also reviews the plan as it applies to pump stations. As part of this process, APSC and the federal and state agencies with oversight responsibilities for TAPS make sure that the appropriate emergency response equipment and personnel are made available along the TAPS.

00245-007: Thank you for your comment.

Responses for Document 00246

00246-001: Thank you for your comment.

00246-002: Thank you for your comment.

00246-003: Under the Federal Grant, APSC is responsible for maintaining and operating TAPS safely and in a manner that is sufficiently protective of public safety and the environment. (See Grant Stipulation 1.21.1.) Except for contingency planning where Alaska regulations specifically call for an evaluation of the adequacy of resources (equipment as well as personnel) by regulatory authorities, APSC alone has the responsibility for developing appropriate management practices and operating procedures and committing adequate resources to successfully implement those systems. However, in its oversight capacity, the JPO does have the opportunity to evaluate the adequacy of APSC's operating practices and does consider resource commitments (both equipment and personnel, including levels of training) as part of the root cause analyses it performs for all identified operational deficiencies. The JPO also has authority to require APSC to develop and submit for JPO approval, a corrective action plan that may also include implementing resources. It is inappropriate for the JPO to direct the application of specific types and amounts of resources for TAPS operations. APSC retains the sole responsibility for committing sufficient and appropriate resources to meet its obligations under the Federal Grant and its stipulations.

00246-004: Establishing the design basis for all TAPS components was an important step in ensuring that the TAPS (1) was constructed using safe and proven engineering practices, (2) utilized state of the art technologies, and (3) conformed with all applicable industry and regulatory standards. Design basis specifications continue to change as new technologies are incorporated into pipeline design and operation.

Statements or specifications in the design basis that are thought to be untrue or inappropriate should be brought to JPO's attention.

00246-005: Cold restart issues, including the order, have been discussed in four Comprehensive Monitoring Program (CMP) Reports. Taken together, these report discussions represent an overview of how the issue has progressed over time. The latest coverage is on page 3-22 of the April 2002 CMP Report Examining Grant & Lease Compliance. This information was published later than the information covered in Mr. Fineberg's report.

00246-006: It is in the interests of the BLM and other member agencies of the JPO to ensure that TAPS is safely operated. The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM to assure protection of human health and the environment through required corrective action.

Under the Federal Grant, APSC is responsible for maintaining and operating TAPS safely and in a manner that is sufficiently protective of public safety and the environment (see Grant Stipulation 1.21.1). Except for contingency planning where Alaska regulations specifically call for an evaluation of the adequacy of the resources (equipment as well as personnel) by regulatory authorities, APSC alone has the responsibility of developing appropriate management practices and operating procedures and committing adequate resources to successfully implement those systems. However, in its oversight capacity, JPO does have the opportunity to evaluate the adequacy of APSC's operating practices and does consider resource commitments (both equipment and personnel, including levels of training) as part of the root cause analyses it performs for all identified operational deficiencies. JPO also has authority to require APSC to develop and submit for JPO approval, a corrective action plan that may also include implementing resources. It is inappropriate for JPO to direct the application of specific types and amounts of resources for TAPS operations. APSC retains the sole responsibility for committing sufficient and appropriate resources to meet its obligations under the federal Grant and its stipulations.

Responses for Document 00247

- 00247-001:** Thank you for your comment.
- 00247-002:** The reader is directed to Section 2.5, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00247-003:** Thank you for your comment.
- 00247-004:** The cited North Slope 1988 spill response was not done by APSC and the spills at oil production facilities on the North Slope are not covered by the Federal Grant for TAPS. JPO's role in oil spill contingency planning is discussed in Section 4.1.1.8. Oil spill contingency planning for TAPS is discussed in Section 4.1.4.
- 00247-005:** Thank you for your comment.

Responses for Document 00248

- 00248-001:** Thank you for your comment.
- 00248-002:** Thank you for your comment.
- 00248-003:** Thank you for your comment.
- 00248-004:** The reader is directed to Section 2.5, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00248-005:** The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline’s spill contingency plan that are being made as a result of lessons learned are also discussed.
- 00248-006:** The current Federal Grant and associated stipulations, along with the provisions of TAPAA, provide BLM with extensive and ongoing regulatory control of TAPS operations. These conditions would not change upon renewal.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00248-007:** The reader is referred to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00248-008:** The warming in Alaska in the last several decades is recognized. Evidences of warming in areas surrounding Alaska, including the Arctic Sea, as well as air temperatures, permafrost temperatures, and field observations in thermokarst lakes and glaciers are presented in Section 3.12.7.

Responses for Document 00249

- 00249-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00249-002:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00249-003:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00249-004:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00249-005:** Thank you for your comment.

Responses for Document 00250

00250-001: Thank you for your comment. The EIS evaluates current provisions of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline, including Section 29 (see Section 4.3.20 and Appendix B of the FEIS, the latter containing the wording for Section 29). Specifics of Native training and hiring, how this portion of the agreement is evaluated and enforced, and any possible changes to Native hires or training are outside the scope of this EIS.

00250-002: Section 29 issues have been a major component of the ongoing government-to-government process under TAPS renewal. BLM welcomes continued dialog with all affected Native Tribes related to Section 29 issues.

A copy of the 2001 Alaska Native Utilization Agreement (ANUA) and its implementing plan have been added to the FEIS as Appendix F. These documents detail the Section 29 requirements, as agreed to by the company and BLM/DOI.

Responses for Document 00251

- 00251-001:** Thank you for your comment.
- 00251-002:** Thank you for your comment.
- 00251-003:** Thank you for your comment.
- 00251-004:** The maintenance practices for TAPS were considered in the analysis.
- 00251-005:** Thank you for your comment.

Responses for Document 00252

- 00252-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00252-002:** Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.
- 00252-003:** Thank you for your comment.
- 00252-004:** The error in associating Stevens Village with Gwich'in (Table 3.25-1) has been corrected to note Koyukon affiliation. The EIS does not state that the Stevens Village subsistence harvest area is very small. In fact, of the harvest areas described, the one associated with Stevens Village is the largest. Changes in the text discuss the nature of this area, including its size, in greater detail (see Sections 3.24.2.2.8 and D.2.3.2.7 [Appendix D]).
- 00252-005:** Section 4.3.16.3 identified that increased human access to remote areas due to TAPS has a potential to lead to increased fish harvest. However, while such impacts may affect stocks in the immediate vicinity where access has been increased, the impacts are not expected to be significant to fish populations as a whole. Statewide harvest surveys conducted by Burr (2001) indicated that opening the Dalton Highway to the public in 1994 did not result in a large increase in fishing effort or a substantial increase in catch of commonly targeted fish species on the North Slope. The conclusions of those studies are supported by data presented in Section 3.24.4, which do not indicate a surge in sport harvests with the opening of the Dalton Highway.
- 00252-006:** Traditional ecological knowledge was included in the EIS, both in descriptions of subsistence problems (see Section 3.24.1 and D.2.3) and to evaluate impacts of the proposed action (Section 4.3.20). Traditional ecological knowledge was considered to be as valid as more conventional data collected by various researchers. As noted in these sections, impacts on caribou movement from human activity and the TAPS were identified as concerns. Additional traditional ecological knowledge was requested explicitly through an April 2002 certified letter to all 21 federally recognized tribes examined in this EIS; to date, none of these tribes has responded to this letter.
- 00252-007:** Section 4.3.20 notes impacts of non-locals on subsistence activities (which would include hunting and fishing) (see first three bullets in that section).
- 00252-008:** The economic impact of TAPS termination (the No Action alternative) is covered in Section 4.6.2.19 of the FEIS.
- 00252-009:** Text has been modified in Section 4.4.4.15 to include mention of Section 30 in the event of a severe impact on subsistence due to the TAPS (which would be due to a spill).
- The EIS does not address "human rights" per se, though it does discuss environmental justice (see Sections 3.29, 4.3.25, 4.4.4.19, 4.5.2.25, 4.6.2.26, and 4.7.8.7).

00252-010: The Dalton Highway is a state road under the jurisdiction of the State of Alaska Department of Transportation. Thus, the BLM does not have the authority to regulate access on the highway.

The Dalton Highway is discussed in the EIS in several places, e.g. at 4.3.20, Subsistence Impacts and at 4.7.6.9, Transportation.

Responses for Document 00253

- 00253-001:** The extensive monitoring, surveillance, and maintenance system of the TAPS helped APSC prevent failure of the support system of the pipeline in the past 25 years. The warming trend in Alaska is likely to continue. The monitoring, surveillance, and maintenance activities are sure to continue. VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00253-002:** Thank you for your comment.
- 00253-003:** Thank you for your comment. Section 3.23.7 presents contracting data for APSC with Alaska Native corporations.
- 00253-004:** Thank you for your comment.

Responses for Document 00254

- 00254-001:** Thank you for your comment.
- 00254-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00254-003:** Thank you for your comment.
- 00254-004:** Thank you for your comment.
- 00254-005:** Thank you for your comment.
- 00254-006:** Thank you for your comment.
- 00254-007:** Thank you for your comment.

Responses for Document 00255

00255-001: Thank you for your comment.

00255-002: Thank you for your comment.

00255-003: Thank you for your comment.

00255-004: Thank you for your comment.

00255-005: Thank you for your comment.

00255-006: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00255-007: Thank you for your comment.

Responses for Document 00256

00256-001: Thank you for your comment.

Responses for Document 00257

00257-001: The reader is referred to Section 2.5 of the FEIS, Alternatives and Issues Considered but Eliminated from Detailed Analysis.

00257-002: The TAPAA and the Federal Grant of right-of-way provide BLM with all the authority it needs to oversee operation of the TAPS and to impose strict and enforceable requirements upon APSC to comply with necessary operational procedures. TAPS ownership is defined as joint and several, and thus if one or more owner companies cannot meet its financial obligations, the other companies are liable.

The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

Responses for Document 00258

00258-001: Thank you for your comment.

00258-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00258-003: Thank you for your comment.

Responses for Document 00259

- 00259-001:** Thank you for your comment.
- 00259-002:** The phenomenon of climate change is discussed in the EIS at Section 3.12.7 and design features are discussed at Section 4.1.3.2.
- 00259-003:** Corrosion issues are addressed in the EIS, Section 4.1.2.3.
- The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00259-004:** Seismic hazards remain a concern that is carefully monitored by the APSC. Research continues to be conducted in this area, as discussed in Section 3.4. Anticipated impacts of earthquakes of various magnitudes, as well as associated seismic events (e.g., landslides), are discussed for the proposed action in Section 4.3.3.
- 00259-005:** Thank you for your comment.

Responses for Document 00260

00260-001: The TAPS crosses seven Native allotments. The pipeline owners acquired access rights across five Native allotments from the allottees. The Bureau of Indian Affairs approved these acquisitions. These are private access rights and are not subject to federal renewal of the TAPS ROW. The pipeline owners acquired access across one Native allotment by condemnation under Alaskan statute. The owners acted as agents for the State of Alaska. The access rights were acquired for and belong to the State of Alaska; they are not subject to federal renewal of the TAPS. The pipeline owners are negotiating access rights from one certified allotment holder. They will acquire private rights or go to court and acquire access rights by condemnation that will belong to the State of Alaska. Neither will be subject to federal renewal. The original TAPS ROW grant did not, and TAPS renewal will not, authorize the TAPS on this allotment.

Finally, all of the above Native allotments have been certified. The federal land status records do not show any Native allotment applications on the TAPS. Moreover, the effects of renewal on all lands along the pipeline—public, private, and Native allotments—are evaluated in the EIS.

00260-002: The reader is referred to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”

00260-003: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

00260-004: Thank you for your comment. The EIS considers a broad range of issues related to the “environment,” including the natural environment, biological environment, and human environment. This range of issues is described in Chapter 3 of the EIS, and is examined in Chapter 4 in terms of impacts to each.

00260-005: Thank you for your comment.

00260-006: Thank you for your comment.

Responses for Document 00261

- 00261-001:** Thank you for your comment.
- 00261-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00261-003:** The reader is directed to Section 2.5, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00261-004:** Thank you for your comment.
- 00261-005:** Thank you for your comment.
- 00261-006:** The potential impacts of constructing and operating a gas pipeline are beyond the scope of the present EIS.
- 00261-007:** The reader is directed to Section 2.5, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Responses for Document 00262

00262-001: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00262-002: Thank you for your comment.

00262-003: It is correct that the effects of aging have the potential to impact the integrity and reliability of any mechanical system. However, age alone does not dictate reliability or performance. Myriad factors can impact system performance. For example, the manner in which mechanical systems are operated and maintained can greatly influence their long-term integrity, reliability and performance.

Utilizing its oversight authority, the JPO ensures that APSC's operating and maintenance procedures take all potential impacting factors into account and are sufficient and appropriate to maintain TAPS integrity. JPO also has the authority to direct APSC to undertake changes, repairs, or upgrades when that is not the case. Under the Reliability-Centered Maintenance (RCM) program, all TAPS subsystems are being carefully evaluated for the consequences of their failure and will have maintenance regimens or remanufacture, overhaul, or replacement schedules established that preclude such failures from occurring, if they would have an adverse impact on public safety or the environment.

00262-004: Controlling corrosion in TAPS subsystems is critical to TAPS integrity. APSC's obligations to maintain corrosion controls are specified in Federal Grant Stipulations (See Stipulation 3.10). In fact, consideration of the effects of corrosion even pre-dated pipeline construction with the formation of a Corrosion Advisory Committee in 1969 that evaluated various protective coatings for use on the pipeline. Efforts to control corrosion are extensive and continuous, outlined in the TAPS Corrosion Control Management Plan. Monitoring for corrosion is conducted through the use of instrument pigs, as well as through visual surveillance and monitoring of the performance of corrosion control systems. See Section 4.1.2.3. Corrosion control activities are considered by the JPO to be one of the most essential maintenance activities, and JPO's oversight of APSC operations focuses strongly on corrosion control. JPO reports on the condition of TAPS and provides details of identified deficiencies in operations as well as the status of corrective actions in its Comprehensive Monitoring Program (CMP) reports. A CMP report on the TAPS Maintenance Program over the period 1999/2000, issued in January 2001, summarizes the historical development of the TAPS corrosion control program, reviews all available data to date, and concludes the following: that corrosion control is indeed "...of significant concern to the long-term viability of TAPS operations"; that APSC has instituted rigorous corrosion control and monitoring programs; and that these programs have been effective in identifying corrosion that jeopardizes system integrity and in providing timely corrective actions, placing APSC in compliance with Grant stipulations and applicable regulations with respect to corrosion control. Through the CMP program, JPO will continue to provide extensive oversight of APSC's corrosion monitoring and control programs. The Reliability-Centered Maintenance (RCM) program will provide an additional mechanism for evaluating those conditions where corrosion can lead to TAPS subsystem failures that could have adverse consequences to public health and the environment. Once identified, such conditions will then be provided with preventive maintenance protocols of sufficient design and priority to preclude such failures.

Responses for Document 00263

- 00263-001:** Thank you for your comment.
- 00263-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00263-003:** The reader is directed to Section 2.5, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Responses for Document 00264

- 00264-001:** Thank you for your comment. Preparers of this EIS were selected based on their technical capabilities, not on their racial or cultural affiliation.
- 00264-002:** The subsistence harvest area for Cordova, which for present purposes includes the Native Village of Eyak, has never been published and a series of contacts had not indicated that this area had been systematically mapped. As a result, it was not included in the DEIS. Subsequent search revealed that map data were compiled (for Cordova, though including Eyak), and we have acquired this information and included it in the FEIS. The comment is wrong in asserting that the DEIS overlooked subsistence of Cordova (Eyak); Sections 3.24.2.4.2 and 2.3.4.2, and Tables 3.24-1, 3.24-2, and D-26 all present subsistence for Cordova (Eyak). Both Section 3.24 and Appendix D have been modified subsequently to present additional subsistence data on Cordova (Eyak).
- The FEIS cites technical documentation referring to claims of outer continental shelf subsistence rights, as did the DEIS. The FEIS also cites studies funded by the Exxon Valdez Oil Spill Trustees Council, as did the DEIS. The FEIS notes several of the formal instances in which Alaska Natives were consulted in the process of preparing this impact assessment, as did the DEIS (see Table 5.3-1). Among the contacts with Alaska Natives was a certified letter mailed in early April 2002 approaching the 21 affected Tribes about the possibility of providing traditional ecological knowledge concerning subsistence. The Native Village of Eyak was one of the Tribes contacted in this effort; to date, neither they nor any of the other affected Tribes has responded.
- 00264-003:** The impacts of recent changes in tanker lanes on subsistence are discussed in the revised versions of Section 4.7.8.1 and Appendix E.
- 00264-004:** Contracting practices of APSC are outside the scope of this EIS.
- 00264-005:** Thank you for your comment.

Responses for Document 00265

00265-001: Thank you for your comment.

Responses for Document 00266

- 00266-001:** Thank you for your comment.
- 00266-002:** The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline's spill contingency plan that are being made as a result of lessons learned are also discussed.
- 00266-003:** Thank you for your comment.
- 00266-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00266-005:** Thank you for your comment.

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TAPS RENEWAL DEIS
PUBLIC HEARING

Minto, Alaska

August 7, 2002

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1 P R O C E E D I N G S

2 (Minto, Alaska - 8/7/2002)

3 HEARING OFFICER GEARY: All right, I want
4 to call the public meeting to order.

5 My name is Dennis Geary and I am the
6 Hearing Officer that's been assigned to preside at this
7 hearing. The purpose of this hearing is to receive
8 comments concerning the proposed renewal of the Right of
9 Way for the Trans-Alaska Pipeline System. We invite
10 comments on the following three documents related to that
11 proposal:

12 1. The Bureau of Land Management Draft
13 Environmental Impact Statement.

14 2. The Evaluation and Finding regarding subsistence
15 under Section .810 of the Alaska National Interest Lands
16 Act which are contained in Appendix E of the Draft
17 Environmental Impact Statement.

18 3. The State of Alaska, Department of Natural
19 Resources Commissioner's Statement of Reasons and
20 Proposed Written Determination, Trans-Alaska Pipeline
21 Right of Way Lease Renewal for ADL63574.

22 It's not the purpose of this hearing to
23 engage in a discussion or debate or to respond to
24 questions about the Draft Environmental Impact Statement,
25 subsistence, or the Commissioner's Determination or the

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1 Trans-Alaska Pipeline system.

2 The notice of availability of the Draft
3 Environmental Impact Statement on the TAPS Right of Way
4 Renewal appeared in the Federal Register on July 5th,
5 2002 in Volume 67, Number 129 at Page 44832. The State
6 of Alaska also provided notice of the availability of the
7 Commissioner's proposed determination on July 3rd, 2002.
8 Notification about the date and time and location for
9 this hearing, as well as the other six hearings scheduled
10 to receive comments on the Draft Environmental Impact
11 statement on subsistence and the Commissioner's proposed
12 determination was announced in the media, including
13 newspaper, radio and the Internet.

14 In addition, notices about the hearing
15 were sent to individuals and organizations that have
16 requested to be kept informed about this project. If you
17 want to be on the list to receive information about the
18 project you can sign up at the registration table.

19 Both oral and written comments will be
20 taken today. In addition, comments can be submitted to
21 the BLM by mail, by fax, by telephone, the Internet or
22 hand-delivered to the Joint Pipeline Office in Anchorage.
23 The State will accept additional written comments sent by
24 fax, mail or e-mail. We will accept additional comments
25 received or postmarked by July [sic] 20th, 2002, which is

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1 the closing date of the public comment period for the
2 Draft Environmental Impact Statement and the
3 Commissioner's Proposed Determination. Information for
4 providing additional comments is on the registration
5 table.

6 All oral and written comments received by
7 the end of the public comment period will be treated
8 equally and will be analyzed and considered in the
9 preparation of the Final Environmental Impact Statement
10 and the Commissioner's Final Determination. In addition,
11 both the Final Environmental Impact Statement and the
12 Commissioner's Final Determination will contain written
13 responses to the comments received on the respective
14 draft documents.

15 In order to ensure a complete and
16 accurate record it's necessary that only one person speak
17 at a time. It's also requested that everyone remain as
18 quiet as possible while the hearing is in process. If
19 you wish to speak, please sign in at the table over here
20 on a 3x5 card. Speakers will be called in the order in
21 which they're registered. In the event that a speaker is
22 not present when I call their name, I'll call their name
23 again later. In order to give everyone who wishes to
24 speak an opportunity to do so we ask you to please try
25 and limit your speech to 10 minutes.

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1 A court reporter will record the oral
2 comments and prepare a verbatim transcript. If you have
3 an extra written copy of your comments, please provide it
4 to me in case we have any clarification. In any event,
5 your remarks will be recorded as you state them. If you
6 wish to supplement your oral comments with additional
7 written material, please provide that material to me and
8 I'll mark it as an exhibit and attach it to the hearing
9 record.

10 Are there any questions regarding the
11 hearing process?

12 (No audible responses)

13 HEARING OFFICER GEARY: Okay.

14 UNIDENTIFIED VOICE: I have a question.

15 HEARING OFFICER GEARY: Yes.

16 UNIDENTIFIED VOICE: I thought you said
17 that the close of the comment period was July 20th; is
18 that correct?

19 HEARING OFFICER GEARY: Did I say July
20 20th? I did not. I should have said August 20th, 2002.

21 UNIDENTIFIED VOICE: Thank you.

22 HEARING OFFICER GEARY: Sorry if I
23 misspoke. When I call your name, please come forward to
24 the microphone at this table and state your name, who you
25 represent, if anybody, other than yourself and whether

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1 you're providing any written comments for me to mark into
2 the record. Also, for administrative purposes, please
3 specify whether you're commenting on the Draft
4 Environmental Impact Statement, whether you're commenting
5 on subsistence or whether you're commenting on the
6 Commissioner's proposed determination.

7 All right, the first person that we have
8 signed up to speak is Andy Jimmie. 00267

9 MR. JIMMIE: Okay. My name is Andy
10 Jimmie.....

11 HEARING OFFICER GEARY: Andy, could you
12 just sit right there, so we can record it?

13 MR. JIMMIE: Right in the middle?

14 HEARING OFFICER GEARY: Right in the
15 middle.

16 MR. JIMMIE: All right. My name is Andy
17 Jimmie and I'm from Minto, Alaska. I believe I'm going
18 to probably speak mostly on subsistence. I might jump to
19 all three, I don't know, I never went through the
20 documents you was talking about.

21 But, first of all I would like to --
22 maybe I should have asked this question earlier, how come
23 of all the communities you have where you're going to
24 have a hearing there was only, Minto is the only village,
25 little village here, listed? All the rest is Anchorage,

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6

1 Fairbanks, Valdez, Cordova and why.....

2 HEARING OFFICER GEARY: And Barrow.

3 MR. JIMMIE: And Barrow, but, I mean,
4 there's other village in the Interior where the pipeline
5 goes pretty close, I was wonder if they were invited or
6 are you going to take their comments some way?

7 HEARING OFFICER GEARY: The comments will
8 be taken -- can be taken, as I said earlier, by mail, by
9 fax, by telephone, and we've had many of these folks show
10 up at the other hearings in Anchorage and Fairbanks, in
11 Valdez and Cordova and Glennallen, so we've had many
12 folks testify from other villages and other tribes.

13 MR. JIMMIE: Okay. Well, first of all,
14 we had a meeting -- there was a meeting here September
15 2001 and there was some concerns from the people. And
16 one of the suggestions is having the Oil Spill
17 Contingency Plan and equipment in the village. And this
18 is something that we really think is very important,
19 especially for subsistence because in our area we have
20 five rivers that come into the Flats, our hunting area,
21 between Livengood and Fairbanks. And they all run into
22 our fishing and hunting area, right into the Tanana River
23 and that covers the whole Flats, Minto Flats.

24 We feel that if we have equipment and
25 trained personnel to respond to an oil spill, we can do

267-1
(Cont.)

267-2

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7

1 it probably much faster than any other -- like in
2 Fairbanks or in any other place, because we're right
3 here. We're 40 miles away and we got access to -- we got
4 river access, boats -- I mean, roads, anyway you want and
5 we know where -- we know every inch of the Flats, we can
6 get there as -- probably quicker than any other
7 organization or people that's in the country. So I don't
8 know -- probably speak for the other villages, saying I
9 think that's very -- we should have something in place
10 for an oil spill.

267-2
(Cont.)

11 Like, you know as well as I that every
12 oil spill is not the same, it's different. It's -- if we
13 have a slow leak or something an nobody knows right away,
14 we might find out in the Flats before anybody else. And
15 that's one of the main concerns the people here have and
16 it was stated Section 29 should be continued. That's a
17 concern of all people, I think, that live along the land.
18 The -- our subsistence lifestyle is getting down where we
19 can't depend on it too much, but we still like to keep it
20 where we can go out and do our subsistence hunting, so we
21 need to try to work -- find work for our people. And
22 somewhere's in a new agreement we should maybe guarantee
23 or try to guarantee employment for our people.

267-3

24 During the construction of the pipeline
25 we had people working, but after it was pretty slim

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8

1 pickings after. We didn't have too many people working.
2 I don't know how to do this, I didn't -- I wasn't here
3 for the first meeting they had, but second meeting we had
4 mostly the same concerns. We like to -- and any
5 decision, like oil spill or changes, we like to have an
6 input because it affects our hunt -- you know, our area
7 here. We're pretty close to the pipeline and we're all
8 down river -- we're down river from the pipeline, so it
9 will probably affect us pretty bad if there is a -- and
10 we like to be informed and have an input in any changes.

267-3
(Cont.)

267-4

11 And I think that's all I have for now.

12 HEARING OFFICER GEARY: Thank you, sir.
13 Would anyone else care to speak?

14 (No audible responses)

15 HEARING OFFICER GEARY: All right. Well,
16 for official purposes what I'll do is just I'll recess
17 the meeting for the official recording for a while and we
18 can all talk and if someone wants to come on and make
19 some comments than I'll go back -- we'll open the record
20 back up again.

21 So we'll go off record.

22 (Off record)

23 (On record)

24 HEARING OFFICER GEARY: All right, let's
25 go back on the record for a minute. Darrell Frank has

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9

1 signed up to make some comments for the record. So,
2 Darrell, if you could just sit right there and speak into
3 the microphone? Thank you. 00268

4 MR. FRANK: All right. I just wanted to
5 say that in the past 20 years Alyeska Pipeline has never
6 hired anybody from Minto until last fall when some crazy
7 shot a hole in the pipeline, then all of a sudden there's
8 30 or 40 people from Minto who are hired. I believe that
9 Alyeska TAPS has an agreement with six other villages to
10 -- made a promise of some sort that they would hire
11 Native people at a percentage to work for them. And, you
12 know, they have never kept that agreement. Then all of a
13 sudden you show up here, you're lease is almost up, and
14 your coming in here to this village to get comments on,
15 and people here -- there's just no trust here, nobody
16 really trusts this organization for them to come in and
17 say they want a 30-year lease, saying that we'll hire and
18 train people to work on the pipeline when, in fact, that
19 you never kept that agreement in the beginning.

20 The oil spill that happened up in
21 Livengood is just a prelude to what might happen in the
22 future, you know, what's to say it's going to happen, if
23 it did happen, like on the Yukon River? What are you
24 going to do, just go down river and start handing out
25 checks or what? Are you here to make promises? Are you

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268-1

1 going to guarantee us that we'll work on the pipeline?

2 The person whose signature is on the
3 initial agreement is the Traditional Chief Peter John.
4 His signature is on that agreement, I believe, correct me
5 if I'm wrong. The Traditional Chief is the Chief of all
6 the Interior people here, he lives here in this village
7 and you people show up here today wanting some input and
8 then really -- there's really nobody here, hardly anybody
9 here, just a hand few [sic] people here and they really
10 -- really don't want to say nothing because, you know,
11 who is to say if you'll honor their words when, in fact,
12 you didn't in the beginning.

13 Another thing, too, is the results of the
14 oil spill, as far as the clean up goes, were those made
15 public as to how much oil has leached into the soil? And
16 if so, where are these numbers or percentages? There was
17 no really follow-up meeting that I know of or ever
18 attended. All I did was hear rumors of that was leaking
19 out or maybe some of the oil has leached into the bedrock
20 and has gone, maybe, farther than -- you know, farther
21 than it was expected. And I would just like to see that
22 maybe some of these questions could be answered and that
23 some sort of guarantee in writing for the people of Minto
24 and other villages to ensure that this does not happen
25 again or ever.

268-1
(Cont.)

268-2

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11

1 I know that other agencies were here
2 before this meeting that have come in here and held a
3 meeting, stating that they were going to do an
4 exploratory well somewhere in the Flats out here or near
5 it. Basically they're just going in there regardless of
6 what the Minto people felt about it. They just came in
7 here had their meeting last summer and said they're going
8 to go do an exploratory well regardless of if we
9 supported or did not support it, they're going to do it
10 anyway.

11 Most of the elders here are old, they
12 don't understand very well and it takes the rapport
13 between the young people to explain these things to them,
14 so we kind of, like, have to be watchdogs and explain
15 these things in the simplest way we can so that it would
16 be understandable to them. I, for one, am against
17 exploratory wells near the Minto Flats.

18 And I just hope that you're not here just
19 because your renewal is up for lease and that you come in
20 here to make more promises that you can't keep or never
21 kept in the beginning. And I just hope I didn't waste my
22 time here today or my words. And I would pray that you
23 people would honor your past agreement and I hope that
24 people will hold you to that so that you do honor that.
25 And that you owe an apology to the Traditional Chief for

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12

1 breaking that promise and to the other people of this
2 village and other villages also.

3 I'm sure there's more that I should have
4 said or -- I just can't think of it right now, but maybe
5 at a later time and date that I will submit more, I don't
6 know. But, anyway, thank you.

7 HEARING OFFICER GEARY: You're welcome.
8 Thank you for your comments. If you choose at a later
9 time to call them in, there's a toll free number that you
10 can call additional comments in and they will be recorded
11 and added to the record, too.

00269

12 MR. FRANK: All right.

13 HEARING OFFICER GEARY: Rocky Riley.

14 MR. RILEY: Hi, my name is Rocky Riley,
15 I'm from Minto. I own a construction firm, Tolovana
16 Construction, and Alyeska hired my firm to bring a bunch
17 of Minto guys up and clean up the oil spill, and
18 everybody said that we done a pretty good job. And, you
19 know, since Minto is right near the pipeline with five
20 creeks running into the Minto Flats, you would think that
21 Alyeska would be falling all over themselves to give us
22 some right-of-way work, but that hasn't happened. Since
23 we finished the oil spill, that's just been it, we've
24 just been sitting here.

25 And I really went out of my way to

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13

1 accommodate Alyeska, I bought three crew cab pickups and
2 I have pollution liability coverage and all of that, so I
3 made it real easy for Alyeska to call, but they never
4 did. Anyway, that's besides the point.

5 What I wanted to say is I noticed on your
6 Environmental Impact Statement about subsistence, that
7 there's going to be no effect on the subsistence or there
8 has been no effect on the subsistence, which is wrong.
9 You know, when you guys put the road in, like, from
10 Livengood up north, it's like opening the door for
11 hunters and fishermen and every Tom, Dick and Harry to
12 come in and basically rape and pillage the land. And
13 it's been pretty easy for people to come in and do that.
14 Minto is kind of used to it, because we're close to
15 Fairbanks, but speaking on behalf of Allakaket and Alatna
16 and Bettles and Stevens and Rampart, you guys kind of
17 opened the door with the Hickel Highway to rape and
18 pillage their lands. And I think that you guys made a
19 mistake when you put that little think in there that said
20 it had no impact on subsistence. So that's something that
21 you guys should change.

22 Personally, I don't think this should
23 happened every 30 years, I think the pipeline is ageing
24 and I believe you guys should go every 10 years. Five
25 years is kind of a little bit too short, but every 10

269-1

269-2

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14

1 years for the right-of-way renewal would be more
2 realistic.

269-2
(Cont.)

3 And, you know, I never read your 45-page
4 thing or 1,700-page little impact statement, so I really
5 can't comment intelligently on any of that. But one
6 thing I want to bring to your mind is on the front page
7 of the Fairbanks newspaper, about two weeks ago, it said
8 "Different Groups Ask for More Time to Put in Their Two
9 Cents". Do you remember that headline in the Fairbanks
10 newspaper? And that's the attitude of the Fairbankens
11 [sic] and basically the State of Alaska toward the Native
12 people, is that, you know, they call it our two cents,
13 you know.

14 And Alyeska said that they were going to
15 hire -- Section 29, 19 percent or whatever, were Alaska
16 Native hire on the pipeline, but that hasn't happened.
17 In fact, you guys hardly hired -- you didn't hire anybody
18 out of Minto until just recently, so that's -- like
19 Darrell was saying, that's one broken promise.

269-3

20 And I'll be -- there's some people that I
21 met here that came down with you guys from Alyeska and I
22 really -- I'll be interested to see if Alyeska calls
23 Minto and offer us some right-of-way work or something
24 like that, you know, that would be fair.

25 And Andy Jimmie also commented that you

269-4

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15

1 guys should stage some oil spill -- we should be in your
2 Oil Spill Contingency Plan. When I went out and got that
3 pollution liability coverage for my company I tried to
4 make it as easy as possible for Alyeska to include Minto
5 in their Oil Spill Contingency Plan, but they haven't.
6 The had training this summer, we weren't invited. You
7 invited Rampart and Stevens and some other village, but
8 you didn't invite Minto. I know Alyeska really sucks up
9 to Senators, you know, and they really -- and the DEC and
10 everybody else really sucks up to Alyeska because
11 Alyeska's got all the gold in their pocket, you know.

12 But I think you guys are really catering
13 to Rampart and Stevens because the political -- because
14 Senator Lincoln put pressure on you, but she never
15 mentioned Minto, so Minto really has no representation
16 until you guys show up here, and then we can put in our
17 two cents. It's a good thing that you guys give Rampart
18 and Stevens work, that's good, but it'll be fair if you
19 guys consider Minto.

20 There's probably a lot of other things in
21 that Environmental Impact Statement that should be
22 commented on, but I can't comment on them because I
23 haven't read that thing, so I guess I'll leave it at that
24 and just hope that you guys -- well, I really -- I don't
25 know, in my mind and my heart I kind of wrote off

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16

1 Alyeska, you know, you guys are -- I don't too many
2 broken promises, so I just -- you know I don't even
3 depend on them in any way, shape or form.

4 I guess that's all I got to say. Thanks.

5 HEARING OFFICER GEARY: Thank you. Is
6 there anyone else who wants to speak at this time?

7 MR. SILAS: Yes, I do.

8 HEARING OFFICER GEARY: Okay. Could you
9 write your name on this card for me?

10 MR. SILAS: Yes, I will.

11 HEARING OFFICER GEARY: Okay, thank you.

12 MR. SILAS: My name is Ron Silas, I'm a
13 current -- who are you guys? I know who you guys are,
14 but I've been through here before, okay? Okay. I am
15 very concerned about -- you know what if there's an oil
16 spill, how many times I told you guys just rivers -- just
17 -- you know, we got six rivers, we got six creeks out
18 there. If there's an oil spill. You just had an oil
19 spill, somebody shot your pipeline and we're concerned.
20 What if -- what if they shot, you know -- we have six
21 rivers that we're concerned about and if anything happen,
22 guys, you know what it -- you know what it's going to be
23 devastating to our subsistence lifestyle. How many times
24 I have to tell you?

25 We don't -- you know -- do you have --

00270

270-1

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17

1 who's going to help us, man? Look that guy shot the
2 pipeline, what if it was right on one of our rivers, you
3 know, right on the river, what would you do? Do you have
4 a contingency plan for that, sir? That's what we're
5 concerned about. Look, look, there's a river flowing
6 right in front of us, that is our -- that's one of our
7 main rivers. Look. It'll be devastating to our
8 subsistence lifestyle. It'll kill all the fish that
9 we.....

10 But there's moose right there. It'll
11 devastate our lifestyle. What could you do to prevent
12 that? Look, if somebody shot the pipeline up in
13 Chatanika River, just like that guy did, look Chatanika
14 is right there, our main river supply. It would devas -
15 - what -- do you have a contingency plan? Do you --
16 that's what we're concerned about, we have six rivers.
17 That's what we're really concerned about, guys. You guys
18 know that. How many times we told you, huh?

19 (In Native) How many times we told you
20 that, look, every river that flows in front of us, it's
21 our lifestyle. And it didn't happen [sic] it's gone,
22 man. I mean, we're concerned, we're really concerned,
23 man. It's -- how come nobody even considered that?

24 But while I got the floor, if anything
25 happened like that, okay? How come, you know -- if

270-1
(Cont.)

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1 anything was to happen -- if there's another nut up there
2 shoot, who's going to walk up to the Chatanika River, you
3 know, and -- it's -- all that oil is going to come down,
4 who's going to stop it? Have to consider who's going to
5 stop that oil, huh?

6 What I'd like to say is us. Give us the
7 technology and -- I mean, stop it, stop it. We can stop
8 it. It's our land, man. Give us this -- give us
9 technology and fish -- stop it. We have six -- like I
10 say, we have six rivers.

11 That's all I got to say.

12 HEARING OFFICER GEARY: Ron, what's your
13 last name?

14 MR. SILAS: Silas.

15 HEARING OFFICER GEARY: Can you spell
16 that for me?

17 MR. SILAS: S-I-L-A-S. Thank you, sir.

18 HEARING OFFICER GEARY: Is there anyone
19 else who would like to say something right now?

20 (No audible responses)

21 HEARING OFFICER GEARY: All right. I'll
22 go off record and we'll wait and see if someone else
23 wants to change their mind in a while.

24 (Off record)

25 (On record)

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270-1
(Cont.)

1 HEARING OFFICER GEARY: Okay. I'm going
2 to call the meeting back to order. Has anyone else
3 decided that they would like to say anything for the
4 record?

5 (No audible responses)

6 HEARING OFFICER GEARY: Has anyone else
7 decided that they would like to say something for the
8 record.

9 (No audible responses)

10 HEARING OFFICER GEARY: Okay. Well, if
11 no one else has decided..... 00271

12 MR. FINEBERG: I want to speak before you
13 close.

14 HEARING OFFICER GEARY: Richard, take the
15 microphone. That's figurative.

16 MR. FINEBERG: My name is Richard
17 Fineberg, I am with the Alaska Forum for Environmental
18 Responsibility and I came today largely to listen to the
19 people of Minto. But, as you know, I have been sharing
20 the concerns of the Alaska Forum, which are very similar
21 to the concerns you have heard today.

22 I would like to make a short statement to
23 share with you some of the things we are saying in the
24 meetings in town. And, like some of you who have spoken,
25 we do not know if anybody is really going to listen, but

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1 there are some of our elders also speaking. The Alaska
2 Forum believes prevention of oil spills is of paramount
3 importance to preserving the habitat on which the
4 residence in the pipeline corridor and downstream of the
5 pipeline crossings depend. For this reason, we have
6 testified at each hearing on our strong concerns about
7 the lack of assurances of a stable funding source for the
8 pipeline and on a consistent pattern of deferred
9 expenditure at the environment's expense.

271-1

10 One example is the replacement of the
11 gate valve on the north side of the Yukon River, right at
12 the crossing. The primary function of that valve is to
13 protect the Yukon River and the downstream villages. The
14 valve was diagnosed incapable of sealing properly in the
15 case of a spill in 1995, but was not replaced until 1999.
16 We have stated on numerous occasions, for the record, we
17 considered this four-year delay unacceptable. By the
18 way, very much of this information is contained in my
19 report, which I have given to Andy Jimmie and I will be
20 happy to leave one more copy. During the period that the
21 valve was not replaced, between '95 and '99, we were
22 aware that some attempts to make the faulty valve seal
23 resulted in an overpressuring incident on the pipeline in
24 August of 1997. That resulted in a fine by the U.S.
25 Department of Transportation for unsafe operations and a

271-2

271-3

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1 subsequent compliance order for failure to remedy that
2 problem.

271-3
(Cont.)

3 We also formally objected to what we
4 considered to be a very inadequate spill drill at Burbot
5 Creek, and that was based on the scenario of a spill
6 scenario at the Yukon in late 1997. Each of these
7 events, and I could name many more, some are in the
8 report, but I'm simply choosing ones from your area,
9 which is what I've done in my testimony elsewhere,
10 Cordova, Valdez, Glennallen. But we believe that each of
11 these events demonstrates a failure of commitment by
12 Alyeska to the highest standards of environmental
13 protection.

271-4

14 The pipeline monitors rejected our
15 criticism. The fruits of this poisoned tree became
16 evident at Livengood last October when it took 36 hours
17 to stop the leak. During that period the poorly
18 conceived effort to pump oil to the north to reduce the
19 pressure on the line resulted in damage to the pipeline
20 supports at Prospect Creek far to the north. These
21 failures of the Pipeline Main Line Contingency Plan
22 result from a common cause, the lack of training and
23 preparation for spill response. We find this history
24 inconsistent with the stewardship of the resource and we
25 find it inconsistent with the findings of the State and

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1 Federal monitors that Alyeska is in complete compliance
2 with grant -- is in full compliance with grant and lease
3 agreements and requirements. This hinges around the word
4 "full compliance" by the way. They're in compliance
5 according to the monitors.

6 Again, the details of the concerns are in
7 the report I will leave today. There are people who
8 share the same concerns, so I am very happy to be here
9 today and to learn of your concerns. Thank you.

10 HEARING OFFICER GEARY: Thank you,
11 Richard. Is there anyone else who would like to say
12 something for the record?

13 (No audible responses)

14 HEARING OFFICER GEARY: No one else?

15 (No audible responses)

16 HEARING OFFICER GEARY: All right. Then
17 I'm going to adjourn the public comment period until 7:00
18 p.m. Friday night in Barrow. Off record.

19 (Off record)

20 (ADJOURNMENT)

21

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STATE OF ALASKA }

THAT the foregoing Bureau of TAPS Renewal DEIS Hearing was electronically recorded on the 7th day of August 2002, in Minto, Alaska;

That the foregoing is a full, complete, and true record of said testimony.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal this 15th day of August 2002.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04



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Responses for Document 00267

00267-001: In addition to hearings and the five other ways to comment on the DEIS, villages, Tribal governments, and Native groups were provided opportunities to participate in the comment process through government-to-government consultation. As a result, meetings were held in villages during scoping, prior to and during the public comment period, and continuing throughout the TAPS renewal decision-making process.

Also see the revised Section 5.3, which addresses government-to-government issues.

00267-002: The BLM and the other JPO member agencies share your concern about the potential for spills from the TAPS to affect people downstream. The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each of five participating agencies (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, Alaska Department of Natural Resources, and the Office of Pipeline Safety) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group meets monthly and maintains a continuous monitoring program on TAPS oil spill planning and related issues.

The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: (1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and (2) through JPO's comprehensive TAPS operations oversight, monitoring of issues that could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly trained individuals who are fully prepared to respond quickly and effectively.

Section 4.1.4 in the DEIS contains a detailed description of the oil spill contingency planning requirements. Included are requirements for predicting discharge movement and spread and probable points of contact with environmentally sensitive areas and areas of public concern.

Use of spill response teams in villages is part of the overall strategy and will continue to be implemented in the future.

The Bureau of Land Management is committed to implementing the requirements of Section 29 in the Federal Grant of Right-of-Way for the TAPS. Section 29 requires that Alaska Natives will be provided with training specifically designed to prepare them for job opportunities with APSC.

00267-003: Section 4.3.21 discusses Section 29 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline, which has a hiring provision for Alaska Natives (see also Appendix B for the text of Section 29). The EIS assumes that APSC will comply with this portion of the renewal agreement.

00267-004: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.

Section 4.1.4 in the EIS contains a detailed description of the oil spill contingency planning requirements. Included are requirements for predicting discharge movement and spread and probable points of contact with environmentally sensitive areas and areas of public concern.

Responses for Document 00268

00268-001: The issue of Alaska Native hiring on the TAPS is discussed in Section 4.3.21.1 (impacts under the proposed action). The EIS assumes that the APSC will comply with Section 29 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline (see Appendix B). Section 29 does not specify the villages from which Alaska Natives will be hired. Specifics of Native hiring, and how this portion of the agreement is evaluated and enforced, are outside the scope of this EIS.

Section 4.4.1 discusses various spill scenarios considered in the EIS, including their likelihood and the amount of oil likely to be released.

00268-002: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.

Section 4.1.4 in the EIS contains a detailed description of the oil spill contingency planning requirements. Included are requirements for predicting discharge movement and spread and probable points of contact with environmentally sensitive areas and areas of public concern.

Responses for Document 00269

00269-001: Contrary to the statement in the comment, in Section 4.3.20 the DEIS concludes that there likely would be small negative impacts to subsistence under the proposed action (renewing the TAPS right-of-way). The presence of prior impacts to subsistence from the TAPS, and the difficulty of establishing a relationship to the TAPS, are discussed in Section 3.24.

The Hickel Highway is not related to the TAPS right-of-way, but represents an example of the broad changes initiated in Alaska after oil was discovered at Prudhoe Bay.

00269-002: Thank you for your comment.

00269-003: The issue of Alaska Native hiring on the TAPS is discussed in Section 4.3.21.1 (impacts under the proposed action). The EIS assumes that the APSC will comply with Section 29 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline (see Appendix B). Specifics of Native hiring, and how this portion of the agreement is evaluated and enforced, are outside the scope of this EIS.

00269-004: Thank you for your comment.

Responses for Document 00270

00270-001: Section 4.1.4 discusses spill prevention and response. Section 4.4.1, in turn, discusses the various spill scenarios considered in the EIS, including both their probability of occurring and the amount of oil that would be released. Included in the spill scenarios are spills due to acts of vandalism, as occurred in Livengood. Section 4.4.4.14 discusses impacts to subsistence due to spills, including spills into rivers. As the comment suggests, impacts could be severe if such spills occur, though primarily under certain conditions as discussed in Section 4.4.4.14. However, the likelihood of such a spill occurring in an individual river is extremely remote—for a large spill, about 1 in 255 million.

Section 30 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline (see Appendix B) explicitly addresses steps to be taken should the TAPS damage subsistence resources.

Responses for Document 00271

00271-001: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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The TAPAA and the federal grant of right-of-way provide BLM with all the authority it needs to oversee operation of the TAPS and to impose strict and enforceable requirements upon APSC to comply with necessary operational procedures. TAPS ownership is defined as joint and several and thus if one or more owner company cannot meet its financial obligations, the other companies are liable. Trans-Alaska Pipeline Authorization Act (Title I, amendment of Sec 28 of the Mineral Leasing Act, Section 28 (r)(2)(B)(5) provides further protections and recourse, if the Secretary has reason to believe that any owner or operator is not fulfilling any of its obligations as a common carrier, including completion of use.

00271-002: APSC has completed a multi-year valve testing and repair program, which addresses the performance of the valves. Investigations of mainline valves on the TAPS have shown a limited number of valves exhibit internal leaking where small amounts of product in the pipeline leaks through a closed valve designed to stop oil flow. Although leaking of the valve is not a leaking of oil to the environment, valve leaking could increase the potential volume of a pipeline spill under certain circumstances. Risk assessments are conducted to determine the risks associated with leaking valves and valve repair and/or replacement jobs are prioritized based on the risk estimates. (See, for example, the report "Risk Assessment for Ten Pipeline Valves with Leak-through," by W.T. Aus, B. Weber, and E.W. Klechka, APSC, March 2, 2001). Those valves that pose unacceptable risks have been repaired or replaced. The performance of all mainline valves is monitored annually, with full closure tests to be done on a regular basis.

00271-003: The design, operation, and maintenance of TAPS and the performance of other pipelines in Alaska and other regions were considered in preparing the EIS (see Sections 4.2.5.2 and Appendix A.15).

00271-004: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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00271-005: See the text box on the MP 400 bullet hole incident in Section 4.1.1.8 of the FEIS.

